SELECT TRIBUNAL PROCEEDINGS

with Sukhdev's Remarks

Editors
Malwinderjit Singh Waraich
Mrs. Rajwanti Mann
Harish Jain

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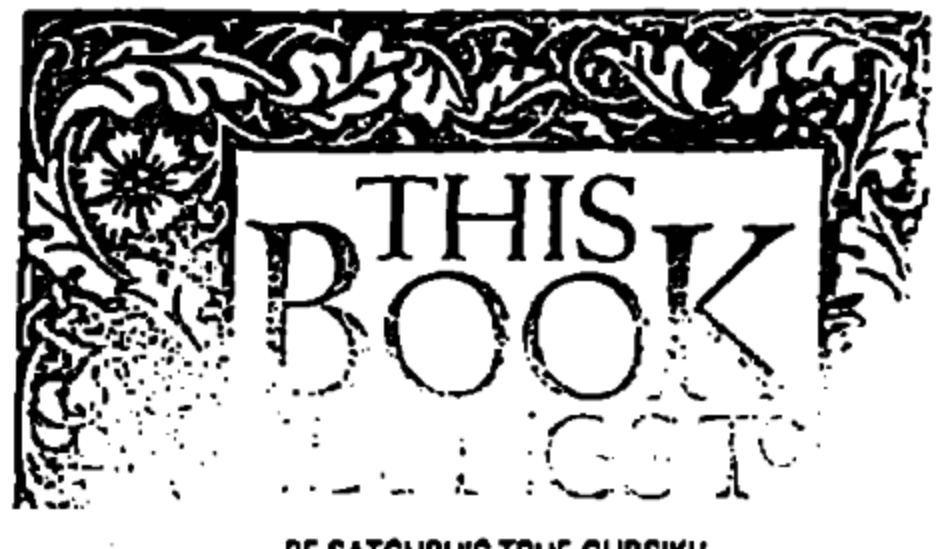

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LIST OF PROSECUTION WITNESS

	Name/Identity /Objective of Prosecution Witnesses	Deposed on
1.	Mr. Hamilton Hardings - S.S.P: FIR/Complaint	5.5.1930
2.	Jai Gopal - Approver	5-15.5.1930
3.	Phonendra Nath Ghosh - Approver	16-23.5.1930
4.	Man Mohan Bannerji - Approver	26-27.5.1930
5.	Hans Raj Vohra - Approver	28-29.5.1930
6.	Lalit Kumar Mukerji - Approver	29-30.5.1930
7.	Ram Saram Das - Approver Resiled	30-31.5.1930
8.	Bakhshi Dina Nath - Prosecuting Inspector-Raj Guru	31.5.1930
9.	Tajudin -Police Inspector Arrest - RajGuru	31.5.1930
10.	Hans Raj-Asst Jailor: Raj Guru	31.5.1930
11.	Mukand Pant Shastri - Raj Guru's teacher	31.5.1930
12.	Ganda Singh - Yogesh. Jail Supdt. Faizabad	9.6.1930
13.	Mohan Singh - Yogesh Inspector Police Farukhabad	9.6.1930
14.	Jeffry-Yogesh Jail Supdt. Agra	9.6.1930
15.	Brahma Singh -Yogesh C.I.D. Inspector Allahabad	9.6.1930
16.	Bal Bhadar - Police. Post Master Gorakhpur: Kailash Pati	9.5.1930
17.	Raghuni Chamar - Betia, Approver	16-17.6.1930
18.	H.G. Terry Sergeant - Delhi (Assembly)	17.6.1930
19.	Raghbir Singh - Saharanpur Police Inspector Raid	17-18.6.1930
20.	Hans Raj S.I. - Delhi (D.S.P. Assembly)	17.6.1930
21.	Shankar Lal - Writings Press owner Kanpur - Search	18.6.1930
22.	Rameshwar Parshad - Writings Kanpur Press Search Witness	18.6.1930
23.	K.S. Niaz Ahmed Din - Lahore: Kashmir Building Raid on 15-4-1929	18-19.6.1930
24.	Nathu Ram - Lahore Houses - Magistrate	20.6.1930
25.	Jit Singh - Police Inspector: Saharanpur.	20.6.1930
26.	Banerji - Police General D.S.P., C.I.D. Fired At	23-24.6.1930
27.	Jai Nath Sahai - S.I: Betia	24.6.1930

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28.	Kesho Parshad-Betia Head Constable, Police Station	24.6.1930
29.	Ch. Roshan Lal -Identification	25.6.1930
30.	Jenkins- Murder Investigations S.P. C.I.D.	26.6.1930
31.	Churchil- Murder Investigations Fire Arms Expert	26.6.1930
32.	Ch. Shahab-Ud-Din-S.I. Lahore Kashmir Building Raid on 15-4-29	27.6.1930
33.	Ch. Mushtaq Ahmed-Identification	1-4.7.1930
34.	Abdulla-Murder Occurrence Eye-Witness	3.7.1930
35.	Sant Singh -Identification	4.7.1930
36.	Mohd Ibrahim-Murder Occurrence Eye-Witness	5.7.1930
37.	Haji Ahmed- Murder Post Mortem Saunders Office Assistant	5.7.1930
38.	Dr Swan - Murder Post Mortem Saunders - Surgeon	5.7.1930
39.	Dr Mathews-Murder Post Mortem Channan Singh - Surgeon	5.7.1930
40.	Dr Coombs-Murder Post Mortem Saunders - Radiologist	5.7.1930
41.	Major Briggs -Identification	7.7.1930
42.	K.S. Daulat Ali Shah-Identification	7.7.1930
43.	L. Jal Dyal -Identification	7.7.1930
44.	Mr. Ram Lal -Identification	7.7.1930
45.	Morris- Murder Occurrence Eye-Witness	8.7.1930
46.	Fearn- Murder Occurrence Eye-Witness	8.7.1930
47.	Wahiudin-Murder Occurrence Eye-Witness	8.7.1930
48.	Ata Mohd. -Murder Occurrence Eye-Witness	8.7.1930
49.	Lachhmi Narain-Lahore Workshop Owner:Jal Gopal	13.7.1930
50.	Dina Nath-Lahore Driving School Owner: Mahavir	13.7.1930
51.	Kundan Lal-Lahore Driving School Clerk: Mahavir	13.7.1930
52.	Kishan Singh-Lahore Driving School Hotel: Mahavir	13.7.1930
53.	Mahant Ram-Lahore Driving School Hotel: Mahavir	13.7.1930
54.	Sada Nand-Lahore Driving School Hotel: Mahavir	13.7.1930
55.	Dr Gian Chand-Lahore Technical Institute - Principal: Jai Gopal	13.7.1930
56.	Salig Ram-Lahore Gowal Mandi II Hotel Owner	13.7.1930
57.	Hans Raj-Lahore Machhi Hatta house Owner	13.7.1930
58.	Ram Parshad-Lahore Gowal Mandi house Caretaker	13.7.1930
59.	Kanshi Ram-Lahore S.I. Police Recoveries	13.7.1930
60.	Mohal Lal-Lahore Driving School Trainee: Mahavir	13.7.1930

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61.	Kanaya Lal-Lahore Gowal Mandi house Owner	13.7.1930
62.	Ghota Mal-Lahore Kucha Kirpa Ram :Owner	13.7.1930
63.	Mohd Jan-Lahore Arain Building Hotel: Owner	13.7.1930
64.	Hussain Baksh-Lahore Arain Building: Shopkeeper	13.7.1930
65.	Sunder Das-Lahore Lachhman Gali Owner	14.7.1930
66.	Terry-Murder Investigation Police-Inspection Site Plan	14.7.1930
67.	Mohd. Yaqub-Murder Post Mortem Saunders - Formal	14.7.1930
68.	Allah Ditta-Murder Post Mortem: Channan Singh	14.7.1930
69.	Nawab Din-Murder Empties-Recovery Police Constable	14.7.1930
70.	Jalal Din-Murder Post Mortem Saunders - Formal	14.7.1930
71.	Sohan Singh-Murder Post Mortem: Channan Singh's Brother	14.7.1930
72.	Bura-Lahore Arain Building: Sweeper	14.7.1930
73.	Budhu-Lahore Arain Building: Shopkeeper	14.7.1930
74.	Gaman- Lahore Arain Building: Brother of PW 72	14.7.1930
75.	Bahadar Ali-Murder Empties-Recovery S.I. Police	14.7.1930
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77.	Amar Singh-Murder Empties-Recovery: S.I. Police	14.7.1930
78.	Mani Ram-Murder Empties-Recovery: S.I. Police	14.7.1930
79.	Taleh Mohd-Murder Lungi-Recovery: Police Head Constable	14.7.1930
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81.	Mohd. Sadiq- Writings Lahore Posters: S.I. Police	15.7.1930
82.	Amar Nath-Writings Delhi Posters: S.I. Police	15.7.1930
83.	Rehmat Khan-Writings Lahore: Poster Police Constable	15.7.1930
84.	Pishori Mal-Murder Scott's Absence: Police Constable	15.7.1930
85.	Ziau-din-Murder Scott's Absence: Police Constable	15.7.1930
86.	Faqir Chand-Lahore Arain Building: Caretaker	15.7.1930
87.	Barkat Ali-Lahore - Taxi Driver: Punjab National Bank	15.7.1930
88.	Virsen-Lahore Tribune H.R. Vohra's - Mother's Letter	15.7.1930
89.	Guranditta Mall-Lahore H.R. Vohra's Father	15.7.1930
90.	Mani Ram-Lahore Bhati Gate: Caretaker	15.7.1930
91.	Ishar Das-Lahore Machhi-Hatta house: Caretaker	15.7.1930
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93.	Wajid Ali Shah -Lahore: Bombs: Moulder	15.7.1930
94.	Bal Raj-Lahore Photographer Photos - Bhagat Singh, B.K. Dutt	15.7.1930
95.	Shah Din-Lahore Photographer Photos - Bhagat Singh, B.K. Dutt	15.7.1930

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96.	Budhan Shah-Lahore Kashmir Building: Chowkidar	15.7.1930
97.	Tyson-Writings - Printing Press Expert	16.7.1930
98.	Mohd Hussain-Writing Printing Press Kanpur: Search Witness	16.7.1930
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100.	Ahmed Din-Lahore Kashmir Building Rent deed	16.7.1930
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105.	Jagan Nath-Murder Empties-Recovery: Police Head Constable	16.7.1930
106.	Maghar-Murder Occurrence Escape Sweeper - Hostel	16.7.1930
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131.	Haji Mohd Hussain- Bombs-Moulder's friend.	18.7.1930

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189.	Ram Saran Dass-Lahore: Co-Villager Kishori Lal	23.7.1930
190.	Gian Chand-Lahore DAV Hostel Superintendent: Kishori Lal/Prem Dutt	23.7.1930
191.	Abdul Halim-Lahore Arain Building: Mason	23.7.1930
192.	Ghulam Qadir-Police, General. S.I. Police	23.7.1930
193.	L. Feroz Chand -Delhi. Assembly Editor-Bande Matram	23.7.1930
194.	Atma Ram-Lahore Motor Workship owner - Kishori Lal	23.7.1930
195.	Gurdit Singh-Murder, Leaving Lahore: Booking Clerk Lahore	23.7.1930
196.	Mohd. Ramzan - Bombs, Lahore Hardware Merchant	23.7.1930
197.	Ram Sahai-Amritsar	23.7.1930
198.	Pt. Hira Lal-Amritsar, Hotel Owner	23.7.1930
199.	Kalu Ram-Ferozepur-Shah Ganj Neighbour	23.7.1930

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200.	Diwan Chand-Ferozepur Shah Ganj Neighbour	23.7.1930
201.	Mehar Chand-Lahore Hotel, General	24.7.1930
202.	Ganga Ram-Lahore Hotel, General	24.7.1930
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205.	Munna Lal-Saharanpur/Dehradun: Hotel Owner	24.7.1930
206.	Abdul Jalil-Saharanpur, Chob Faroshan: Neighbour	25.7.1930
207.	Mohd. Hanif S/o Abdul Karim-Saharanpur, Chob Faroshan: House Owner	25.7.1930
208.	Anwarul Haq-Saharanpur Chob Faroshan: Neighbour	25.7.1930
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210.	Akbar Ali-Saharanpur Chob Faroshan: Neighbour	25.7.1930
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214.	Asa Ram-Saharanpur Chob Faroshan: Dhobi	25.7.1930
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216.	Tek Chand-Saharanpur: Dr Gaya Parshad's Patient	25.7.1930
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220.	Abdul Majid-Saharanpur Police Head Constable F.I.R.	25.7.1930
221.	Tufail Ahmed-Saharanpur Chob Faroshan: Site Plan	25.7.1930
222.	Irshad Ahmed-Saharanpur Chob Faroshan Witness-Search	25.7.1930
223.	Ram Chand-Writings. Lahore Press: H.R. Vohra	25.7.1930
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		204	208, 209, 179, 239, 237, 215, 19
9.	Jai Gopal, Approver	33	106, 141, 200,
10.	Jatin Das	33	6
11.	Jatinder Sanyal	33	240, 4, 6, 3
12.	Kishori Lal	29	96, 63, 202, 125, 317, 457, 363
		33	111
		35	5, 73, 74, 363, 58, 125, 63, 190, 107
		41	171
		43	457, 417, 23
13.	Kanwal Nath Tiwari	33	395, 396, 397
		35	3, 4, 170, 371, 17
		41	393, 431
14.	Kundan Lal	33	2, 4, 74, 72, 86, 73, 3, 288, 287
		35	236, 365
15.	Mahavir Singh	33	2, 5, 74, 73, 72, 60, 54, 51, 304, 292, 301
		35	64, 72, 73, 74, 86, 292, 295, 199, 200
		41	149, 421
16.	Phonender Ghosh (Approver)	33	6, 373, 397, 396, 395

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		264	265, 238, 371, 240, 239, 237, 290
		33	7, 317, 56
		35	299, 157, 158, 190, 224, 439, 5, 298
17.	Raj Guru	29	34
		33	2, 3, 6, 64, 73, 86, 72, 174, 47, 36, 101, 363, 436, 236, 237, 239, 240, 74, 408, 181, 58, 288
		35	3, 5, 6, 200, 47, 295, 239, 180, 174, 101, 58, 64, 436, 86
		41	413
19.	Shiv Verma	29	2, 3, 6
		33	197, 200, 390, 392
		444	334
		33	335, 434
		35	212, 215, 171, 205, 218, 226, 227, 234, 222, 371, 237,210,197,170,211, 240
		444	332
		41	212, 170, 218, 264, 240, 239, 237, 334, 372, 430, 204, 211, 215, 213, 209, 234
		444	332
		264	371, 240, 239
		414	170, 171
20.	Sukhdev	29	197, 198, 96, 295, 146
		33	237, 200, 3, 6, 5, 420
		35	64, 72, 73, 74, 86, 170, 162, 301, 315, 62, 295
		41	457, 427, 23, 127, 169, 170, 171
21.	Surender Pandey	35	171

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A NOTE ON SUKHDEV'S REMARKS

The paper book containing statements of 457 PWs' was given to all the accused on 30th August 1930. Sukhdev must have read and re-read the proceedings for months together while awaiting the final outcome of the case. Whether anyone else among them perused it so thoroughly or not, nothing can be said with certainty; at least no evidence had come to light in that regard so far.

Sukhdev's Notes, and responses, in the form of underlining, marginal notes etc., too, seem to have remained unknown to his comrades since none of them had even referred to their existence in their memoirs, or in their write ups on Sukhdev.

There was no apparent object before Sukhdev for doing this exercise, and these jottings could presumably be viewed as a kind of self-dialogue.

Although these notes had been incorporated in the present text as per the original document, this is an attempt to present them in some sort of system or order. All the same, every reader is at full liberty to ignore or differ with this presentation.

The comments are being projected under four heads:-

A) Regarding the Party
B) Relating to the Approvers
C) About certain facts
D) General

A) REGARDING THE PARTY

S.No.	Sukhdev's Remark	Context
8	Avoiding Strangers	Jai Gopal - Approver
11	Party Members' conduct	Jai Gopal
22	Dealing with Policemen	Phonender - Approver
32	Lack of sfunds	- do -
33	Central Committee Decisions	- do -
41	Saharanpur Contact Point	- do -
53	Without Ideological Conviction	Raghuni - Approver
56	Status of Bhagwati Charan Vohra	H.R. Vohra - Approver
57	Sharing of Secrets	- do -
64	Need of a Book on Martyrs in Hindi	Lalit Mukerji - Approver

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67	Strange for a Revolutionary	J.N. Sanyal
69	Evading Responsibility	Lalit Mukerji - Approver
72	Lack of Experience	Shiv Verma & B.K. Sinha
81	Sukhdev Admits Mistake in Asking Prem Dutt to copy Bomb Formulas	Lahore Bomb Factory Raid
122	Lack of Security Awareness	Kishori Lal Bomb Factory Lahore
124	Living chose to a Policeman	Jai Gopal - Rawalpindi
130	What to Expect from public	Escape of Bhagat Singh, Raj Guru & Azad after Saunder's murder
144	Unwilling Persons made Post Boxes	Sheo Verma: PW 372 Ude Parkash
145	Lack of caution	Allahabad Centre
153	A letter box	Lalit Mukerji - Approver
160	Blaming own selves for damage to the party	Pointing out of party hideouts to a magistrate by Kishori Lal after his arrest. -

B) RELATING TO THE APPROVERS

S. No.	Contents	Context	Sukhdev's Comments
2	Sukhdev mentioned men, Mukerji's money and weapons...	Jai Gopal	Refer to L.N. statement
3	Ferozepur-centre-purposes (1) Stop over (2) Chemicals	- do -	Imp
4	Ferozepur Centre (3) Financial Gain	- do -	Wrong
6	Azad proposing dacoity at Punjab National Bank	- do -	Wrong; nonsense
7	The dacoity failed due to lack of taxi	- do -	Wrong
10	Sukhdev mentioned names of B.K. Sinha & Bhagwan Das as being party members	- do -	Wrong
12	Sukhdev regrets trusting Jai Gopal too much	- do -	X
13	Swarajist Party in Afghanistan	- do -	Pure nonsense
14	Jai Gopal lack of disciplinary trusting habits	- do -	My mistake in him so much

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15	Taking Jai Gopal to Kashmir Building	- do -	- do -
17	Central body decision to murder Dina Nath	- do -	Wrong
18	Revolver snatched from Sukhdev at the time of arrest	- do -	Wrong
19	Jai Gopal told by Sukhdev that he did not get an opportunity to use his revolver	- do -	Nonsense
24	Delhi Meeting of 8-9 Sept. 1928 attended by Jai Dev also	Phonender Ghosh	Not true
25	Names of S.N. Pandey mentioned by B.K. Sinha as being party members	- do -	Wrong
27	Shiv Verma told party name as Hindustan Socialist Republican Army	- do -	Not true
28	Jai Dev...	- do -	Untrue
29	Shiv Verma told party name as Hindustan Socialist Republican Army	- do -	Not true
36	B.K. Sinha mentioned the names of S.N. Pandey and Brham Dutt	- do -	Wrong; merely to entangle then
38	Bhagat Singh and Azad went to Dina Nath's house to murder him on 18.12.1928	- do -	Wrong
42	Shiv Verma mentioned about a letter from Bhagat Singh	Phonender (Assembly Bomb)	The way to introd-uce certain acts
58	Azad mentioned the weapons carried during Saunder's murder	H.R. Vohra	Nonsense
61	Sukhdev told me that Prem Dutt was a party member	- do -	X
62	...that Des Raj was a party member	- do -	X
47	Meeting attended by Jai Dev (also)	M.M. Banerji	Not true
49	Jai Dev given name of Harish	- do -	Rascal!

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63	General Ramarks on this approver	Lalit Mukerji	Of little importance
45	- do -	Manmohan Banerji	- do -

C) ABOUT CERTAIN FACTS

31	J.N. Sanyal's position in the party	Phonender Ghosh's statement
65	J.N. Sanyal's mentality	Lalit Mukerji's statement
74	Arrest of B.K. Sinha	Attempt-to Rescue Yogesh
82	About Manindra Nath	Attack on J.N. Banerji, DSP, CID
83	About Brahm Dutt (correction)	Identification after arrest
158	Brahm Dutt - (Approver)	Appears as PW 441 (Turned Hostile)
93	Rent deed in the name of Sukhdev	False
136	- do -	False
105	Kishori Lal	Statement of Photographer PW 95 Shah Din
35	Jhansi - Also in UP Phonender's statement	Correction of an error in
128	Bungalow at Amritsar 175	Statement of a Magistrate PW
16	Reference to Agra bomb factory	Statement of Jai Gopal
143	Kanpur DAV College Hostel - to be read (carefully)	Testimony of PW 372
26	Bhagat Singh & B.K. Sinha - leaving their families - (A correction)	Phonender's statement
37	L.K. Mukerji "detained" (A correction)	- do -
40	Sukhdev being at Lahore	- do -
51	Bhagat Singh and B.K. Sinha leaving home (A correction)	- do -
52	M.M. Banerji goes to Police Station (To be carefully understood)	Statement of M.M. Banerji (Approver)
70	Killing of C.I.D. Inspector (Wrong-notion)	Statement of Lalit Mukerji (Approver)
1	Not Jan. 1928	Statement of Jai Gopal

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30	13.9.1928	Visit of Sukhdev to a house in Amritsar (Phonender's statement)
39	Assembly bomb explosion - when decided	Phonender's statement
54	24 June 1929 (and not July)	Arrest of M.M. Banerji (Approver)
73	Sheo Verma and Jai Dev Kapoor leaving Kanpur	Rescue of Yogesh
100	December and not September absence of Scott from Lahore	Testimony of PW 84 relating to
113	Arrest of Des Raj 2.5.1929	Recovery of Bhagat Singh's had (Statement of PW 120 - Mir Zaigham Hussain
5	Bhagat Singh hair cut	Statement of Jai Gopal relating to Ferozepur Centre
23	Party's link with Bihar began regarding activities at Bettiah (in Bihar)	Statement of Phonender
75	Recovery of pistol from Bhagat Singh on 8.4.1929 in the Central Assembly	Statement of PW 18 Sgt. Terry. Concerning the recovery of Bhagat Singh's pistol
147	Non-production of Bhagat Singh pistol during Assembly Bomb Case trial before the Court	Testimony of Public Prosecutor indicating that the pistol was to be sent to Europe for ballistic examination in connection with Saunder's murder.
84	PW 31 Churchil came from England to prove that the pistol found with Bhagat Sir on 8.4.1929 was in fact used in Saunder's murder by him	Testimony of PW 31 Churchil
85	PW 31 Churchil explains the technique of analysis for verifying the above (*Note: No such facility was available in India at that time.* - Ed.)	- do -
148	The site plan in connection with Assembly case	Testimony of PW 381 (Draftsman) Jamil Ahmed - Viewed as V.V. Imp by Sukhdev
9	Sukhdev's version concerning murder of Saunders instead of Scott	Jai Gopal's statement in this regard

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86	Stopping of the car by PW 34 Abdulla where Saunders had been murdered	A different version by another eye-witness PW 46 Inspector Fearn about it
87	PW 34 Abdulla describes the appearance of a killer	"What a fine observer!" - shows Sukhdev's sense of disbelief.
88	PW 34 Abdulla names the Police Inspector present on the spot (as Mr Fearn)	Sukhdev finds it ridiculous; result of tutoring (*Note: How keenly Sukhdev had studied the paper book* - Ed.)
89	An eye-witness, Constable Ibrahim gives precise details of the appearance of the killers Saunders.	According to Sukhdev, the Constable was simply echoing Jai Gopal's version in this of regard.
90	A spot witness PW 45 Morris was told that Saunders had fallen from his cycle and had injured himself.	Sukhdev finds it unusual that the witness did not hear any sound of firing when he was close by.
91	PW 45 Morris had described his having seen Fearn coming from the side of Bungalow of DAV college Principal.	Sukhdev writes 'Fearn Denies' with reference to the latters' evidence on this point
92	Whether H.C. Channan Singh Was in uniform or not?	Sukhdev noted the contradictory versions of the eye-witnesses.
134	PW 232 Aftab Ahmed saw only Saunder's and not H.C. Channan Singh on the spot.	Sukhdev's comment - "that the Sikh (Channan Singh was also lying wounded on the spot".
154	Bhagat Singh had written some posters after Saunder's murder	Evidence of Handwriting of the expert PW 423 Scott who examined a poster to verify if it was in his hand.
59	Approver H.R. Vohra's description the escape of Azad, Bhagat Singh and Raj Guru after Saunder's murder as told to his by Sukhdev.	Sukhdev's comment "Imp." of Showed that he agreed with it.
108-112	Tutored witnesses merely to justify Jai Gopal's version regarding their escape from Lahore after Saunder's murder	According to Sukhdev, police did not have any clue regarding their escape from Lahore. So they blindly relied on Jai Gopal's version in the matter.
78	"Khan Bahadur Sheikh Abdul Azis asked them (Sukhdev, Kishori Lal	According to Sukhdev the said officer came afterwards.

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	& Jai Gopal) their names" (at the tune of raid at Kashmir Building, Lahore on 15.4.1929)	
151	Compare with Serial No. 78	
79	"In that other room Khan Bahadur Abdul Aziz was standing."	"Wrong".
80	"Syed Ahmed Shah (Sub-Inspector) got hold of (Sukhdev's) pistol."	Sukhdev: "I had myself handed over the pistol before the search began."
115	"Owing to the suspicious aroused by what my father had remarked I followed him (Kishori Lal) on a bicycle to see where be lived (PW 129 Ghulam Rasul)	"Confused"
116	"Haji Muhammad Hussain said... these articles" (PW 129, Ghulam Rasul)	"How Nur Shah came to the articles."
117	See Notes at Serial No. 121 below	
118	"Quite clear" this is how the suspicion arose	Same as in Serial No. 116 above.
119	This is how Nur Shah was informed	Statement of PW 130 Jalal Din: "Mohd. Hussain then remarked that... prove to be risky."
121	"Ghulam Rasul says he showed the houses to Nur Shah before he went to Abdul Aziz"	See Note at Serial No. 117 above
123	See Note above	
120	What a fine chance! See the outcome a by chance conversation and leisure gossip	Sukhdev's comment on the discovery of Kashmir Building by police
152	A notebook recovered from Kashmir Building	Handwriting expert PW 423 Scott
155	A letter recovered from Kashmir Building	- do -
76	"On the 12th May, 1929 Mohd. Yasin Khan came to me..." (PW 19 S.I. Raghbir Singh Saharanpur - Raid)	"On the 12th May he received information and gets orders for further inquiries. It cannot be believed.
133	Saharanpur Raid - 13.5.1929	Nil

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131	Information leading to the Saharanpur raid.	PW 199 Kalu Ram of Ferozepur who met Dr Gha Prasad at Saharanpur, whom he knew at Ferozepur

D) GENERAL

43	"... and to inform Ajoy Ghosh abscond..."	"Precaution" - when a close to comrade is going to take part in some big action.
44	"that Santosh should abscond to Calcutta..."	- do -
46	Certain facts stated by approver Man Mohan Banerji	"No date at all"
50	- do -	"What a true memory!" (Meeting of 8-9 Sept., 1928 at Delhi)
129	Identification of accused in Saunder's murder case.	"A good memory!" (PW 180 Ganda Singh)
161	Evidence of a tonga driver PW 449, Feroze Din - aborted Punjab National Bank raid	A glaring instance of police tutoring
132	Evidence of a Magistrate PW 204 Khan Bahadur Rehman Baksh	Conducting of Identification parade at Saharanpur: A good magistrate.
21	Justice Agha Haider disassociates humself from an unjust order of the Tribunal	On 12th May 1930, accused were ordered to be forcibly removed from the Court - "Praiseworthy".
60	Approver H.R. Vohra discloses the sharing of a party secret by Sukhdev with him - Was it a case of pure and simple outburst of confidence?"	Shrewdness of the Jundge.
137	PW 319 Jagan Nath, a shopowner at Lahore from whom the hat was purchased	"A good man indeed..."
71	Evidence of Jail Suptd. Ganda Singh (PW 12) regarding rescue of Yogesh	"Important. To be carefully understood."
77	PW 21 Shankar Lal Press Owner - Kanpur	Printing of "Chand" Magazine: "Printing press not traced"

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106	PW 98 Mohd. Hussain, Foreman, Govt. Press Lahore	- do -
127	Evidence of PW 165 Aitizaz-udin-Ahmed	He disclosed how the jail superintendent of Mianwali jail got Bhagat Singh's signatures by deceit "Shameful conduct of a Jail Supdt...."
163	PW 451 - S. Abdul Rehman Shah - an Engineer	Claims to have been friendly to Bhagat Singh in Mianwali Jail,who had made him a party member while sharing all the party secrets with him. "Another example of fair dealing..." (Planting false witnesses)
164	- do -	"Honorary C.I.D. agents"
135	PW 310 Brij Gopal Mitra	Another instance of a "volunteer witness"
142	PW 352 Raghunath Mitra	Gives all the details about the revolutionaries he had seen. "Not worthy of a youngman!"
167	PW 457 Bakshish Rai	Claims to know Kishori Lal, Prem Dutt, and also Bhagat Singh - "False"
168	- do -	"The devil never saw Bhagat Singh"
159	Evidence of PW 443 Babu Ram-identifies-Phonender (Ferozepur - Hotel Owner)	"How is it that every witness identifies only approvers".
138	Testimony of PW 334 Onkar Nath regarding identification of Shiv Verma	Carelessness on the part of Shiv Verma
140	Statement of PW 335 Zainulabdin regarding rescue of Yogesh.	"They went to the house of a warder Ganga Parshad" - "Perhaps man through whom communication with Jogesh were connected."

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SOME VITAL DATES

INDIVUDUAL-WISE	BORN	DIED
1. Ajoy Ghosh	20-2-1909	13-1-1962
2. B.K. Dutt	18-11-1910	20-2-1962
3. Bhagat Singh	28-9-1907	23-3-1931
4. Bijoy K. Sinha	17-1-1909	16-7-1992
5. Gaya Parashad *alias* Doctor	20-6-1900	10-2-1993
6. Jaidev Kapur	DIWALI-1908	19-9-1994
7. Jatin Das	27-10-1904	13-9-1929
8. Jatinder Sanyal	_____	10-5-1990
9. Kishori Lal	9-6-1909	11-7-1990
10. Mahavir singh	6-9-1906	17-5-1933
11. Prem Dutt	19-9-1911	_____
12. Rajguru	24-8-1908	23-3-1931
13. Shiv Verma	JAN 1907	10-1-1997
14. Sukhdev	15-5-1907	23-3-1931
15. Surinder Pandey	_____	13-6-1992
16. Chander Shekhar Azad	23-7-1906	27-2-1931
17. Bagawati Charan Vohra	July 1903	28-5-1930
18. Durga Vohra *alias* Bhabi	7-10-1907	15-10-1999
19. Shachinder Vohra *alias* Shachi	3-12-1925	29-9-2005

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THE COMPLAINT / FIR

FIR filed by Hamilton Harding, Senior Superintendent of Police, in the Court of R.S. Pandit Sri Krishan, Special Magistrate, against the following accused:

1. Sukhdev alias Dayal alias Swami alias Villager son of Ram Lal, caste Thapar Khatri of Mohalla Arya Samaj, Lyallpur.
2. Kishori Lal Rattan alias Deo Datt Rattan alias Mast Ram Shastri, son of Raghbar Dutt, caste Brahman of Dharampur, P.S. Hajipur, District Hoshiarpur.
3. Agya Ram alias Masterji, son of Nand Lal Brahman of Lalla P.S. Killa Sobha Singh, District Sialkot
4. Des Raj, son of Ram Kishen, caste Khatri of Belgan P.S. Sambrial, District Sialkot.
5. Prem Dutt alias Master alias Amrit Lal, son of Ram Datt Khatri of Gujrat.
6. Sumder Nath Pandey alias Stone, son of Hira Lal Pandey, Brahman, resident of Mohalla Sabzimandi, Cawnpore.
7. Jai Dev alias Harish Chander, son of Babu Salig Ram, caste Khatri, Kapur, Sadar Bazar, Hardoi.
8. Shiv Verma alias Parbhat alias Hamarain alias Ram Narain Kapur son of Kanhiya Lal Varma, Khatri of Hardoi.
9. Gya Parshad alias Dr. B. S. Nigham alias Ram Lal alias Ram Nath alias Desh Bhagat, caste Kurmi, resident of Khajuri Khurd, P.S. Billhaur, District Cawnpore.
10. Jatindra Nath Das, son of Banke Behari Das of 30 Dohar Road,Calcutta.
11. Mahabir Singh alias Partab of Shahpur Thela P.S. Rajaka Rampur, District Etah.
12. Bhagat Singh, son of Kishan Singh of Khawasrian, Lahore.
13. Batukeshwar Dutt alias Baata alias Mohan, son of G.D. Dutt of Bedwan, Bengal.
14. Ajoy Kumar Ghosh alias Negro-General, son of Dr. Ghosh of Cawnpore.
15. Sachindra Nath Sanyal, alias Jatin Sanyal son of Hari Nath Sanyal, Mohalla Colonel Ganj, Allahabad.

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16. Kanwal Nath Trivedi alias Kanwal Nath Tewari,student of Vidya Sagar College, Calcutta, son of Suraj Nath Tewari of Suraya P.S. Gobindpur.
17. Chandra Shekhar Azad alias Panditji, son of Baij Nath, alias Sita Ram, Brahman of Baij Nath Tula, P.S. Bhilopur, Benares.
18. Bejoy Kumar Sinha alias Bachu, son of Marakla Kumar Sinha of Mohalla Karachi Ganj, Cawnpore.
19. Kailash Patti alias Kali Charan, son of Hardo Narain Kayasth of Mongranwan P.S.Ghamipur, District Azamgarh, at present residing at Gorakhpur.
20. Raghunath alias "M" alias Ram Guru of Benaras.
21. Bhagwati Charan alias B.C.Vohra, son of Rai Sahib Shiv Charan Das, caste Brahman of Lahore.
22. Kundan Lal alias Partap alias No. 1 of Benares U.P.
23. Kalash alias Gunthala of Jhansi.
24. Yash Pal, son of Hira Lal, Khatri of Nidhan P.S. Hamirpur, District Kangra, now residing at Wachowali, Lahore.
25. Satgurdyal, son of Pandit Sukhbasi Lal Avasthi, caste Brahman of Mohalla Dana Khori, Cawnpore.

The complaint is filed under section 121, 121A, 122 and 123 of Indian Penal Code.

The complainant respectfully sheweth:

I. That the accused above mentioned along with others have at Lahore and other places in British India at various times and occasions commencing from the year 1924 and continuing up to the present time of their arrest been engaged in a conspiracy to wage war against His Majesty the King Emperor and to deprive him of the sovereignty of British India and to collect men, arms and ammunitions for or otherwise to make preparation for the said object and purpose.

II. They further concealed the existence of a design to wage war against the King Emperor intending by such concealment to facilitate or knowing it to be likely that such concealment would facilitate the waging of such war.

III. With these objects as mentioned in paras I and II above these accused along with others formed a party known as the Hindustan Republican Army and held their meetings at Lahore and other places in British India with a view to overthrow by force the Government established by law in India and **to establish a Federated Republican Government in its stead.**

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IV. That the means devised to be adopted to attain these objects were as follows:

1. The collection of arms, men and munitions and also money for the purchase of arms and munitions.
2. The obtaining of money for the same purpose by means of forcing and robbing banks and treasuries and by dacoity which necessarily involved murder.
3. The manufacturing of explosive bombs for the purpose of murders and to overawe the Government.
4. Murders of Police and other officials and persons interested in or the Government of British India or the persons who obstructed the carrying out of the objects of the conspiracy and persons who proved obnoxious to their party.
5. The blowing up of trains.
6. The production, possession and circulation of seditious and revolutionary literature.
7. The rescue of convicts and persons in lawful custody.
8. The seduction of educated youths with a view to enlist them in the conspiracy.
9. To obtain renewal and subscriptions among persons in foreign countries who were interested in the accomplishment of revolution in India.

V. 1. An attempt was made to murder Mr. Bannerji, Inspector C.I.D. at Benares on 13.1.1928.

2. An embezzlement of Rs. 3,199 was committed by Kailash Patti alias Kali Charan an absconder who was an employee in the sub-post office, Burhal Ganj, District Gorakhpur on 26.6.1928 to be utilised by the party in furtherance of their common object.
3. A dacoity at Punjab National Bank, Lahore was attempted on 4.12.1928.
4. Mr. Saunders, Assistant Supdt. Of Police and Channan Singh, Head Constable were murdered in Lahore on December 17, 1928.
5. A bomb was thrown in the Assembly Chamber, Delhi and shots were fired therein on 8.4.1929 causing severe injuries to Sir Bomanji Dalal and others.
6. A dacoity at Maulina was committed on 7.6.1929 causing the death of Dank Mahton Koori owner of the house.
7. The accused along with others were manufacturing bombs

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at Lahore, Saharanpur, Calcutta and Agra, the factories at Lahore and Saharanpur having since been captured.

8. The accused visited different towns in British India to seduce youths and to induce them to join their conspiracy.

VI. That in pursuance of the said conspiracy in British India preparations for the following actions were made but did not succeed.

1. To blow up the train carrying members of the Simon Commission by means of dynamite.
2. To rescue Jagdish Chander Chatterji who was a convict in connection with the Kakori Conspiracy Case and Satindra Nath Sanyal another convict of their party.

VII. That accused Nos. 17 to 25 are absconding and are still at large.

VIII. That the order of the local Government under Sec. 196 Criminal Procedure Code, duly signed is attached herewith.

IX. That the Complainant is informed that in respect of the others offences committed in pursuance of the conspiracy separate police challans have been presented to this Court.

It is, therefore, prayed that the accused above named be tried for and convicted of the offences enumerated above for any offence or offences which they may be proved to have committed.

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PROCEEDINGS OF THE SPECIAL TRIBUNAL

Proceedings of the Case known as "The Lahore Conspiracy Case" held in the Poonch House, Lahore, by the Special Tribunal on the 5th of May, 1930, at 10 a.m.

PRESENT :

1. The Hon'ble Mr. Justice J. Coldstream, I.C.S — President.
2. The Hon'ble Mr. Justice Agha Haidar, Bar-at-law —Member.
3. The Hon'ble Mr. Justice G.C. Hilton, I.C.S. —Member

Council for Crown—

1. Mr. C.H. Cardon Noad, Government Advocate, Prosecutor,
2. K.S. Kalandar Ali Khan, Government Pleader and Public Prosecutor,
3. L. Gopal Lal, Government Pleader and Public Prosecutor, and
4. Bakhshi Dina Nath, Prosecuting Inspector of Police.

Counsel for Accused :— Nemo. (No one)

All the 18 accused present in person.

The Tribunal took their seats at 10 A.M. and at two minutes past the accused were brought in. They shouted revolutionary cries for a short time and then for a period of eight minutes altogether they chanted a revolutionary hymn. The Public Prosecutor was asked to obtain a translation of this hymn for the information of the Tribunal.

One of the accused addressed the Tribunal stating that he wanted an adjournment for a fortnight in order to prepare and formulate arguments to the effect that the constitution of the Tribunal was *ultra virus* of the Viceroy. He also stated that all the accused wanted time to file affidavits in connection with promulgation of the Ordinance. The Tribunal ordered that the Proceedings could not be adjourned at present. The accused were not prepared to argue the matter forthwith.

A petition was then handed in to the Tribunal by five of the accused asking for an adjournment for a fortnight to enable the petitioners to make necessary arrangements for their defence. This was rejected as premature.

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At 11-15 A.M. one of the accused -Shiv Ram alias Raj Guru alias 'M' (No.19) got up and began making a speech in some language unknown. It was explained later by another of the accused that the object of the speech of Raj Guru was to ask for an interpreter as he did not understand the language of the Court.

Later an interpreter was appointed.

After Mr. Cardon Noad had addressed the Court, opening the case for the prosecution, one of the accused, J.N. Sanyal, rose in his seat and said that he proposed to address the Court. He said he was addressing the court on behalf of himself and the following accused :-

Mahavir Singh, B.K. Dutt, Dr. Gya Parshad Nigam and Kundan Lal. He then began to read a speech which contained a violent political attack upon the British Government. As the reading out of this speech in open Court was highly improper being merely seditious propaganda and as what was being said was entirely irrelevant to the question of the guilt or innocence of the accused, the Tribunal stopped the reading. The paper was handed to the Tribunal and has been placed on the record. The accused drew the attention of the Court to the final paragraph which ran as follows:-

"For these reasons we decline to be a party to this farcical show and henceforth we shall not take any part in the proceedings of this case."

After this S.N. Pandey, accused, got up and asked that this statement might be read out to him so that he might sign it if he agreed. This was rejected.

At this stage Mr. Cardon Noad reverted to the application of Raj Guru, accused, for an interpreter and submitted that he could not say that Raj Guru would understand every word that was said in Urdu although he was able to understand the general meaning of the statements as a whole. In the circumstances the Tribunal was of the opinion that an interpreter should be provided who would interpret the evidence as it was made to the accused Raj Guru.

At this stage the interpreter was brought into Court and put on solemn affirmation to interpret correctly for Raj Guru.

5th May 1930. J. COLDSTREAM.

EVIDENCE UNDER SECTION 312, CR. P.C.AGIANST SAT GUR DAYAL, CHANDER SHEKHER AZAD, BHAGWATI CHARAN, KELASH PATI AND YASHPAL.

P.W.A.—Wajid Ali Shah, son of Zafer Ali Shah, Head Constable, No.2006, special staff, C.I.D., Lahore.

I was deputed to search for *Sat Gur Dayal*. Sat Gur Dayal is a resident of Cawnpore. He is a Brahmin by caste. I searched for him in

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Saharanpur, Lucknow and Cawnpore and also in Lahore. I could not find him and there is no likelihood of his being found in the near future. His whereabouts are not known.

Cross-examination.—Nil./R.O. and A.C.

5th May 1930. J. COLDSTREAM.

P.W.B.—Muhammad Ismail, Asst. Sub-Inspector, C.I.D., on S.A.:-

I was deputed to search for *Bhagwati Charan* and *Chander Shekher Azad*. I searched for them in Lahore, Ludhiana, Meerut, Delhi, Poona, Sitara, Hardoi, Agra, Allahabad and Gorakhpur. I could not find them and there is no likelihood of their being arrested in the near future.

Cross-examination.—Nil. /R.O. and A.C.

5th May 1930. J. COLDSTREAM.

P.W.C. — Najaf Khan, Sub-Inspector, on S.A.:-

I searched for *Kalash Pati alias Kali Charan*, who is a resident of Mangrawan, District Azamgarh, U.P. He is a Kaisth by caste. He sometimes lived at Gorakhpur. I searched for him at these places but could not find him. He was already a proclaimed offender in a case under section 409. That case was from Gorakhpur. There is no likelihood of his being arrested in the near future.

Cross-examination.—Nil./ R.O. and A.C.

5th May 1930. J. COLDSTREAM.

P.W.D. — Asghar Ali, Sub-Inspector Police, District Hissar, on S.A.:-

I searched for Yashpal, accused. He is a resident of Nidhan, thana Hamirpur, District Kangra. Afterwards he is alleged to have resided at Machhibazar, Lahore. I could not find him nor there is any likelihood of his being arrested in the near future. I searched for him at Hissar, Rohtak, Patiala and Lahore. His whereabouts are not known.

I also searched for Bhagwati Charan, accused, but could not find him. There is no likelihood of his being arrested in the near future.

Cross-examination.—Nil./ R.O. and A.C.

5th May 1930. J. COLDSTREAM

ORDER :

From the evidence of Wajid Ali Shah, Muhammad Ismail, Najaf Khan

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and Sayyad Asghar Ali P.Ws A, B, C, and D, it is proved to our satisfaction that *Sat Gur Dayal, Bhagwati Charan, Chander Shekher Azad, Kailash Patti alias Kali Charan and Yashpal* are absconding and that there is no immediate prospect of arresting them. This finding is given under section 512, Criminal Procedure Code.

5th May 1930. J. COLDSTREAM

At this stage the interpreter was brought into Court and put on solemn affirmation to interpret correctly for Raj Guru.

That the son of Vasdeo (of Poona), Clerk in the Military Accounts Office at Lahore on S.A.:—

I will interpret correctly the evidence given in Court for the benefit of Raj Guru and will also interpret correctly what is said by Raj Guru. I understand Urdu, English, and Maharatti.

J. COLDSTREAM.

Complaint filed by Mr. Hamilton Harding, read out by Mr. Carden Noad and interpreted by the interpreter for the benefit of Raj Guru, accused.

5th May, 1930. J. COLDSTREAM.

P.W. 1— Mr. G.T. Hamilton Harding, Senior Superintendent of Police, on S.A:-

I put forward the complaint, dated 10th July 1929, which I filed in the Court of the special Magistrate stating charges against the present accused'. This is the Complaint in the present case or part of the complaint. I acted under the instructions of the Chief Secretary to Government, Punjab, as contained in Ex. P.A. I do not know the facts of the case nor did I make the statements made in the complaint. I am acting only as a formal complainant under the instructions of the Government.

Cross-examination.—Nil.

R.O. and A.C.

5th May 1930. J. COLDSTREAM.

P.W. 2— Jai Gopal, son of Diwan Chand, caste Arora, Ex-student, age 19-20 years, of Gujranwala on S.A.:-

I have been tendered pardon in this case. My father is a Permanent Way Inspector, N.W.R., Lahore. My original place of residence is Gujranwala. I passed the 6th class at Gujranwala and after that I joined the National School at Lahore. My elder brother Madan Gopal was

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already studying there. He left the school after some time. While I was in the tenth class in the year 1926 I came to know of *Sukhdev*, accused.

(The witness was asked to point out the accused and he pointed out Sukhdev correctly)

I came to know of Sukhdev through a Hindi teacher in the school by name Pt. Yashpal. Before summer vacation ***Pt. Yashpal told me that a friend of his named Sukhdev whom I knew before would be arriving and that I should arrange to provide him with food.*** **Pt. Yashpal was going out on some business,** Sukhdev arrived in the evening and I told him that Pt. Yashpal had gone out and I provided him with a meal. After having had our meal we went out together for a stroll. After passing through the Gol Bagh we went towards the General Post Office, Lahore. Sukhdev after enquiring from me as to what my father was doing questioned me as to what my programme was after getting through the final school examination. I told him that I would either join the college or if I got some job I would take that. Sukhdev asked me whether being a student of the National School I had ever thought of serving the country. I said that I would wear *khaddar* clothes and do Congress work. Sukhdev gave me a lecture urging me to become a member of the secret society the object of which was to overthrow the present Government. During the summer vacation the National school was abolished. Though the school was abolished there was an arrangement for the students of the 10th class to appear in the examination. After the school was closed I got an accommodation in Pari Mahal through one ***Achint Ram.*** There were two other students who were also candidates for the 10th class. They were Madan Lal and Brahm Datt. After that Sukhdev met me in November 1926, and told me that I should become a member of the secret society ***which he had organized.*** I agreed.

Sukhdev used to meet me off and on. In January 1927, Sukhdev again came to my house and asked me to meet him the next day outside the Bhati Gate. The next day I met Sukhdev. He came with me to Pari Mahal along with a zinc hand bag which he had. ***He asked me to keep this hand bag with me. He showed me two keys, saying that I should deliver the hand bag to the person who showed the said keys.*** Exh. P.471 is the hand bag. Exh. P. 472 is one of the aforesaid keys.

Twenty or 25 days after that one Pandit Jai Chand, Ex-professor of the National College came to me and enquired from me whether Sukhdev had left any box with me. ***I said I did not know Sukhdev.*** *Thereupon he exhibited the two keys which Sukhdev,* ***had shown to me and I handed over the hand bag to him.*** Jai Chand after having asked me to wait outside opened the box and after locking it again he made it over to me and took away the keys. I heard the noise of the hand bag being opened. A few days after that Sukhdev came again to take back the box mentioned

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above and took it away. Sukhdev told me that as I used to learn photography work with the Head Master of the National School, I had the keys of the school. Sukhdev said that as I had all the keys with me, ***I should procure all kinds of helpful things such as mercury, thermometers, batteries and some books of science.*** **I said I would supply whatever I could.** Accordingly I took out two thermometers Exhs. P.172-173, two batteries Exh. P/474 and 474A, one bottle of mercury, Exh. P /41 and one book entitled "Manufacture and use of Explosives" Exh. P/364. I handed over these things to Sukhdev.

While I was staying at Pari Mahal, one Bansi Lal became my acquaintance. I had no talk with him with regard to the party.

In March, 1927, I appeared in the Matric. Examination and was successful. At the meeting held after the meeting of November 1926 Sukhdev had told me, that in order to terrorise the Government and pro-Government people it was necessary to manufacture bombs and he instructed me to join the Jubilee Institute and learn pattern making, foundry work, etc. I joined the Jubilee Institute in June 1927. Sukhdev advised me to have a private room for my residence. Consequently I took a room on hire at Rs. 7 per mensem on Sukhdev's instruction in Kenhya Lal Building in which to live secretly. Sukhdev and I used to live there.

When I was staying in Pari Mahal I was once sent by some person to Ferozepore to hand over a letter to a person who was working in the Congress office in Ferozepore. I did not know the name of the person to whom the letter was to be delivered. I delivered the letter and came back. Added on reading over. The same person who sent me to Ferozepore also sent me to Amritsar. I remained studying in the Jubilee Institute up to January 1928. There I learnt blacksmith and foundry work.

In the 1927 summer vacation when I was working as an apprentice in the Empire Engineering Works, Brandreth Road, Lahore, I used to receive letters meant for Sukhdev. **Sukhdev had told me that the letters which would bear the words "Aziz Jai Gopal" would be meant for him.** I did not open such letters.

During the summer vacation of 1927 I came to know of Bhagat Singh, accused. (The witness was then asked to point out the accused Bhagat Singh, and he picked him out correctly). I knew him before as he was a student of the National College, but met him along with Sukhdev in Kenhya Lal building where I had taken a room on rent during the summer vacation of 1927. I then took him to be a member of the party because he was sitting with Sukhdev and had with him six long dagger-shaped knives. They were like Exh. P/475. This is one of those six knives. Each one was in a sheath like Exh. P/475A. On his enquiry I told Bhagat Singh that I was learning to work with the iron lathe at the Empire Engineering Works. He told me that I should continue to do this as it was a useful thing to learn.

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On the Dusehra occasion as advised by Sukhdev I shifted to a house in Lachhman Gali in Gwalmandi. Sukhdev and I used to live there. ***Each of us had a key of the house.*** We paid rent at the rate of Rs. 5 per mensem. Sukhdev used to supply me with books on politics for study. I was led by the study of these books to believe that I should give up my home and devote myself to the service of the country. Bansi Lal used to visit us at the above-mentioned house. He came to know of my house somehow or other.

After the Christmas holidays of 1927, Bhagat Singh and Hans Raj Vohra used to come to visit us. This was in January 1928. [Sukhdev's Remark 1: Wrong] During these days I found that Sukhdev had a big revolver with him. He showed me that revolver and also told me how it worked. I identify the revolver, Exh. P/200, as the same which I had seen with Sukhdev. I identify it by its string and shape.

As I was keen on having some work, Sukhdev advised me to shift to some other house, and I was also to give out to my friends that I was going to America with some clergyman for further education. Accordingly I took on rent a room situated in Mela Ram building out side Bhati Gate at Rs. 5 per mensem. Sukhdev used to live along with me while Bhagat Singh used to visit us off and on. On the advice of Sukhdev, I gave there my name as Kishan Chand. I had got a receipt for Rs. 5 which I paid as rent. Exh. P/A/Q is the duplicate receipt for rent. I destroyed the counterpart which I got.

In accordance with Sukhdev's instructions I went to Rawalpindi where I was to work with Hans Raj Vohra, and I reached there, two days, before Basant. While going to Rawalpindi Bhagat Singh, accused joined me at Badami Bagh Railway Station, and, he accompanied me to Rawalpindi. Hans Raj Vohra met us at the Railway Station and took us to his house in Hamilton Bazaar. Bhagat Singh stayed with us for two or three days and then left us. I kept on living with Hans Raj Vohra.

Sukhdev had told me, at Lahore when I was sent to Rawalpindi that three things were necessary for carrying on the work at the out station money (2) men, and (3) weapons. [Sukhdev's Remark 2: Statement of PW 6, L.N. Mukerji - dt. 29.5.1930] He had told me that I should assume the name of Harbans Lal at Rawalpindi and that I should wear clothing like the clothing of men of Rawalpindi and also take some employment so as to avoid suspicion. Accordingly I got a qulla, a salwar and a pagri made to wear. I had purchased these clothes in Lahore. Hans Raj Vohra was known there as Tirlok Chand or Tirlok Nath. Hans Raj Vohra and I were doing no work there. We remained there together till the 10th or 11th of February 1928.

I identify Exh. P/129 as the *lungi* which was purchased by Hans Raj Vohra in my presence at Rawalpindi. He left for Lahore after the 10th or

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11th of February 1928 and took away with him all the books on politics which he had. Before his departure he introduced me to Pandit Satyapal who was a preacher of the Arya Samaj. I gave Hans Raj Vohra a letter addressed to Madan Gopal, my brother at Manipur in Assam, informing him that I had left for America and that he should not make search for me. In giving this letter to Hans Raj Vohra I told him to post it at Lahore in order to avoid the seal of the Rawalpindi Post Office. In that letter I had asked my brother to send two Assam Sheets to Bansi Lal care of Dr. Satya Pal at Lahore. I stayed in Rawalpindi till August 1928. I left my house in Hamilton Bazaar and began to live with Pandit Satyapal in the Arya Samaj. Hans Raj Vohra had informed me that he was a member of their party.

One month after my arrival at Rawalpindi Sukhdev met me in the Arya Samaj at the house of Pandit Satyapal. He had some talk with me and also with Pandit Satyapal. In the evening Sukhdev told me on my way to the station that he wanted to buy an air pistol. Accordingly I took Sukhdev and Satyapal to the shop of Messrs. Ibrahim and Sons situated in the Sadar Bazaar, Rawalpindi and Sukhdev purchased an air pistol for Rs. 30. He said that he had bought it for shooting practice. On a subsequent occasion we had purchased another pistol. Exh. P 12, is one of the two which we had purchased. Sukhdev went away to Lahore with the pistol. While leaving he gave me his address as *Sardar* Sampuran Singh, M.A., Kucha Acharayan, Gumti Bazaar, Lahore, in case I stood in need of correspondence.

5-5-1930. J. COLDSTREAM.

Hearing adjourned till tomorrow the 6th May.

The accused remanded to custody and to be produced to-morrow.

5-5-1930. J. COLDSTREAM

6th May, 1930.

PRESENT :

Mr. C.H. Carden Noad, Government Advocate, Prosecutor.

K.S. Kalandar Ali Khan, Government Pleader and Public Prosecutor.

L. Gopal Lal, Government Pleader and Public Prosecutor, and Bakhshi Dina Nath, Prosecuting Inspector of Police for the Crown.

Nemo for the accused. They are present in person.

Hearing resumed.

6th May, 1930.

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ORDER :

The Tribunal asked each of the accused regarding his wishes in the matter of being represented by Council at the expense of Government with the following result : -

1. Bhagat Singh.		No.
2. *Sukh Dev.*		No.
3. Kishori Lal.		Yes, but can name no body. Wants to consult, Kishan Singh, a member of the Defence Committee.
4. Agya Ram.	...	No.
5. Des Raj.	...	Yes. Cannot at present say, whom he wants.
6. Prem Dutt.		Yes. Cannot at present say, whom he wants. Wants to consult Kishan Singh.
7. Jai Dev.		No.
8. Sheo Varma.		No.
9. Gya Prashad.		States, he will give no reply.
10. B.K. Dutt.		States "I refuse to answer any question by this Court."
11. Kanwal Nath Trividi		No.
12. Ajoya Kumar Ghosh		Yes. Cannot say whom until he sees, the Defence Committee.
13. Jatindra Nath Sanyal		States, "I give no reply."
14. Surindra Nath Pandey	...	No help from this court.
15. Mahavir Singh		Says, he will take no part in the proceedings.
16. Bijoy Kumar Sinha		No help
17. Kundan Lal		I refuse to answer any question by this Court.
18. Shiv Ram alias Raj Guru	...	No help.

Mr. Noad asked what offers had been made to the accused with a view to their representation by Council states "in the Court of the special Magistrate the offer made was that if all the accused wanted representation by one council before the court (not necessary one and the same council) Government would endeavour would endeavour "to secure the services of the Council desired at Government expense."

At the order of the Tribunal search was made for the members of the

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Defence Committee in the precincts of the Court including Kishan Singh, and it was reported that no member of the Defence Committee could be found there.

Bhagat Singh, accused, then put in an application stating that he wanted a legal adviser to watch the proceedings of the Tribunal and to give him advice on lines of cross-examination. He also stated that the said legal adviser will not cross-examine the witnesses nor address the Court, and that for the present he wanted Mr. Duni Chand. Mr. Noad, Public Prosecutor stated that he had no objection to this arrangement provided seating accommodation was available. The Tribunal sanctioned the arrangement proposed.

6th May, 1930. J. COLDSTREAM.

Jai Gopal, P.W.2 (continued) on S.A.:-

I began to reside with Pt. Satyapal, in the Arya Samaj building. He advanced me a sum of Rs. 30 and asked me to buy an air pistol of the same pattern as had been bought on the previous occasion. Accordingly I purchased a similar pistol from Messer's. Ibrahim & Co., with much ammunition Exh. P/477 is the pistol of the pattern I had purchased for Pt. Satyapal. We used to practise shooting with the said air pistol against the hind wall of Pt. Satyapal's room. I pointed out that place to the Magistrate at Rawalpindi. Pt. Satyapal was deputed by the Arya Samaj to go to Africa for propaganda work. Pt. Satyapal left for Lahore. He took away the air pistol with him. After the departure of Pt. Satyapal I took a house in Nawan Mohalla on rent at the rate of Rs. 3 per mensem. I entrusted to Sat pal my luggage in order to make it over to Sukhdev, accused. I sent a letter to Sukhdev to send me some money; but before I could receive any pecuniary help I got myself employed as an apprentice in the Morton Press, Sadar Bazaar, Rawalpindi. I assumed the name of Harbans Lal in the press. I received two money orders from Sukhdev, one for a sum of Rs. 10 and the other for Rs. 20. I identify my signatures on the two money order forms, Exs. P.A.R. and P.A.R.1. I received these two money orders in the press. (Added on reading over.) The money orders were addressed to me care of Tulsi Ram, Compounder, Arya Samaj Hospital. Sita Ram attested my signature on the money orders. This event relates to April or May 1928. When I was living in the Arya Samaj at Rawalpindi I formed acquaintance with Hori Lal, Arsenal Clerk Rawalpindi. Somewhere in the month of the June 1928 I came to Lahore to see Sukhdev in order to give me some work at some station other than Rawalpindi. I met Sukhdev at Lahore and he told me to go back to Rawalpindi as I was not required in Lahore. He gave me Rs.15 or Rs. 20 for expenses and told me that I should expect him at Rawalpindi after about 20 or 25 days. On reaching Rawalpindi I resumed my work in the Morton Press. After about 20 or 25

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days when I was waiting for Sukhdev I met Bhagat Singh, accused. I took Bhagat Singh to my house in Nawan Mohalla. Bhagat Singh gave me Rs.30 and told me to stay at Rawalpindi ***until further orders.*** Even thereafter I received no letter from Sukhdev and consequently I came over to Lahore and met him near Bharat Building, Lahore. He told me to go back to Rawalpindi and bring back my luggage with me. He gave me Rs. 10 for expenses. He further told me that on my return from Rawalpindi I should meet him at the Parade Ground after getting down at Shahdara Station. I returned to Lahore the next day and met Sukhdev at the appointed place. Sukhdev was alone at that time and he asked me to put up with Pt. Yashpal (absconding accused). ***Again I met Sukhdev in the Parade Ground by appointment. At this occasion Sukhdev had a companion with him.*** He introduced me to his companion, giving his name as Dr. B.S. Nigham, while he gave my name as Gopal (witness identifies Gaya Prashad, accused No.9) Sukhdev told me that the said Doctor was to open a medical practitioner's shop at Ferozepore and that I should work under him. The same evening the Doctor and I left for Ferozepore by the Bombay mail. Sukhdev gave me Rs. 5 as my railway fare. The Doctor took me to his house in Mohalla Shah Ganj. I pointed this house to a magistrate. ***The Doctor said that, in order that I should become his servant, I should see first Diwan Chand, a shop-keeper in the neighborhood, and come to him, i.e. the Doctor, with Diwan Chand and seek an employment through him. Accordingly I came to the said Diwan Chand. He got me an employment with the Doctor at the rate of Rs. 8 per mensem.***

The Doctor had some medical books but no medicines. After this he went twice or thrice to Lahore and brought some medicines from there. Witness picks up five bound volumes and two paper volumes, P. /424, P. /425, P. /427, P. /429, P. /422, P. /372, and P. /373.). These are some of the books which the Doctor had. All these books are in Urdu. I stayed in that house till January, 1929.

There were three objects of having headquarters at Ferozepore of The Revolutionary Party of which I was a member:-

(1) *to enable the members to change their dresses into dresses suitable for U.P and for Punjab before they went to the different cities of these two Provinces;*

(2) *to purchase things required for explosive purposes through the Doctor; [Sukhdev's Remark 3:No. (1) and (2) Imp.]*

(3) to get pecuniary help for the party if the Doctor's practice thrived. The doctor was one of that party. [Sukhdev's Remark 4: Wrong.]

Sukhdev, accused, used to visit us very often. In the middle of September, 1928, Bhagat Singh and Sukhdev came there during the

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night. They had the zinc hand bag, Exh. P. /471, which I had with me when I was at Pari Mahal. This hand-bag was opened by Sukhdev who took out three things namely, a mauser pistol with forty or fifty cartridges, a revolver, which I had seen with Sukhdev in Lachhman Gali and one of the six knives which I had seen with Bhagat Singh and Sukhdev in Kanhaya Lal Building. That knife and sheath are Exh. P. /475-A, P. /475. They put these things under their pillows and kept talking for along time in the night. Next morning Sukhdev left for Lahore and Bhagat Singh stayed with us. Sukhdev returned again to the house. [Sukhdev's Remark 5: Imp. Hair Cut (Bhagat Singh)] *On Sukhdev's return Bhagat Singh got his kes cut off. The hair was cut off by the doctor, Sukhdev and me, and his beard was also shaved. His hair was cut according to English style.* After this Bhagat Singh put on clothes such as men in U.P. put on, that is a dhoti, etc. Bhagat Singh then started towards Delhi by Bombay Mail, taking the Mauser pistol, the revolver and the knife mentioned above in his bedding. Sukhdev left the next morning for Lahore. The box remained at the house.

About the end of September or the beginning of October 1928, one Ram Narain came to the house (points to Shiv Varma, accused). He was called "bara bhai" by us. He remained with us for 7 or 8 days. He had many things in a black box (Ex P. /207). He had some books, such as *"Lahore Conspiracy Case, Vol. I, Vol. II"* "Babbar Akali Conspiracy Case" and "Delhi Conspiracy Case", "Manufacture and Use of Explosives" (P. /364), a magazine called "Kirti," a mercury bottle (P. /41) thermometers P. /173) and (P./172), another bottle (P./478), which was found in the house when I pointed the house out to the magistrate. Ram Narain also had an air pistol with him. It was one of the two pistols which are now in Court.

Shiv Varma (alias Ram Narain) used to write the biographies of those men who have been executed in conspiracy cases in Hindi. The idea was to incorporate these articles in the "Phansi Number" of Chand Magazine. This is the "Phansi number" of Chand Magazine (P. /570). This was published later. Pages 244 to 323 contain some articles which were contributed by Shiv Varma. I used to read the biographies of several men in Gurmukhi from Kirti Magazine and he used to write them in Hindi language. It is for this reason that I say that Chand Magazine contains articles written by Shiv Varma. He also told me that Chand Press had agreed to give him Rs. 200, which amount he said will be spent for the work of Revolutionary Party.

The Doctor did not know English and he asked me to translate some important formulas about picric acid, etc., from the book "Manufacture and Use of Explosives"

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After 7 or 8 days Shiv Varma left for Amritsar. Two or three days after his departure Sukhdev came to us at Ferozepore. This was about the 9th or 10th of October 1928. Sukhdev asked me if Shiv Varma had gone and I said "Yes he had gone". He then told me to go and deliver a message to Shiv Varma at Amritsar. He told me that his house was in Moghal Bazaar, Amritsar. Sukhdev asked me to tell Shiv Varma that owing to an important business he (Sukhdev) was going to Delhi and that Shiv Varma should pawn his bicycle for Rs. 30 or Rs. 40 and should take that money with him to Lahore, and that Shiv Varma should meet the Librarian of Tilak School and ask him to give Rs. 10 to Hans Raj Vohra and Rs. 10 to Guru Dutt Bhawan. He also asked me to tell Shiv Varma that a man would meet him in Jallianwala Bagh and that Shiv Varma should tell that man that he should arrange for Rs. 100. He had also asked me to tell Shiv Varma that if he (Shiv Varma) was not able to see him (Sukhdev) within 7 or 8 days he (Shiv Varma) should in company with the same person who was to meet him in Jallianwala Bagh proceed to Delhi, and meet Sukhdev near King Edward's statue and that if they do not meet Sukhdev at the statue then they should go to the central quarters of the Party. Sukhdev put on Delhi clothes and left for Delhi that very night. I had gone to see Sukhdev off at the railway station, and he told me on the way that the party was in great need of money and that for that purpose a dacoity should be committed. He told me to make full enquiries about the persons who carry cash in the train for disbursing the salaries of the railway employees, how much cash was carried and at what time. I agreed to carry out his instructions.

Next day I went to Amritsar and met Ram Narain alias Shiv Varma there. I saw another man at the house whose name was Kali Charan (absconding accused). I took Shiv Varma aside and delivered Sukhdev's message to him. I returned the same day to Ferozepore.

About 7 or 8 days before Dusehra a man named Partap Singh came to the place and stayed there for about a fortnight. That man is Mahavir Singh, accused. This man was called Bhai Sahib by us. He had come there to get himself treated by the Doctor. He was suffering from dysentery. After getting cured he left for Lahore. While Partap Singh was sitting with us Sukhdev came there to give us some money. Partap Singh again came to the house on Diwali day. We were informed that he had to make arrangements for some men who were expected from U.P. The next day he went to Lahore.

After two or three days Bhagat Singh, accused and Pandit Ji, absconding accused, came to us in the evening. *They had a small suit case and a bundle of "Phansi" issues of Chand Magazine. Pandit Ji and Bhagat Singh stayed there for the night and at night they took out two revolvers from the suit case and put them under their pillows.* Bhagat

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Singh left the house the next morning telling Pandit Ji that he would come back after making arrangements for the members of the party who were coming from the U.P. Bhagat Singh returned to the house at about 8 or 9 A.M.. He told me in the night that I should go to Lahore and meet Sukhdev and tell him ***that he should arrange for calling us to Lahore and send Punjabi Clothes for us***. I went to Lahore and met Sukhdev and delivered the message to him. Sukhdev told me to bring Partap Singh from the Mozang house and meet Sukhdev with Partap Singh at the University ground. That Mozang house is situated in Arain Buildings. It was taken by Partap Singh for the use of the party. I took Partap Singh from the Mozang house and met Sukhdev at the University ground. Sukhdev told Partap Singh to go to Ferozepore by the train which was to leave at 2-30 and tell Bhagat Singh who was at Ferozepore that the members of the party from U.P. should come to Lahore as early as possible and that we would meet them at Lahore Station. I was asked to hand over some Punjabi clothes to Partap Singh. Those clothes were required for Bhagat Singh. This happened one day before the death of Lala Lajpat Rai, that is on the 16th of November 1928.

Sukhdev told me to go to the D.A.V. College and there meet Des Raj, a student of the IV year and tell him (the student) to go to the boarding house to meet Sukhdev in Desraj's room. I met Desraj in the College and accompanied him to the boarding house. Sukhdev was already there (identifies Desraj accused). Sukhdev asked Desraj if he could give him some spare clothes but Desraj said he could not spare any clothes. Then Sukhdev told me to go to the Library of Tilak School and meet a boy named Prem Dutt and tell him that his brother Dayal wanted him at the D.A.V. college Boarding house. I went to the Library and delivered the message to Prem Dutt (points to Prem Dutt, accused). Dayal, alias Sukhdev is not Prem Dutt's real brother. Sukhdev told Prem Dutt to give me (approver), all the spare clothes which he had and to do this near the S.P.S.K. Hall. Prem Dutt went away from Sukhdev and then Sukhdev told me that I should take delivery of the box and deliver it to Partap Singh at the station and then go to Lahore Cantonment and rent a house there for the use of the party. Sukhdev had also told me to see him (Sukhdev) in Desraj's room in the evening at about six. I went to S.P.S.K. Hall where Prem Dutt met me with a suit case which I took from him and went to the railway station and handed it to Partap Singh. Then I went to Lahore Cantonment and searched for a house there but could not find one. Then I returned to Desraj's room where I met Sukhdev at about 6 P.M. Desraj was also there. I told Sukhdev that I had not been able to find a house in the Cantonment. Then Sukhdev and I went to Lahore Cantonment on bicycles, in order to receive some members of the party who were expected to arrive from Bombay. We came to know at the railway station

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that the train did not stop at the Cantonment Station so we went to Lahore Station. No member arrived by that train.

6th May 1930. J. COLDSTREAM.

Hearing adjourned till tomorrow the 7th May, 1930

7th May, 1930. J. COLDSTREAM.

Memorandum regarding engagement of Council for the defence at the expense of the Crown.

ORDER :

The trial began at 10 AM on Monday, 5th May, 1930. On that date none of the accused were represented by the council. Four accused, Prem Dutt, Ajoy Kumar Ghosh, Kishori Lal and Des Raj made a written petition expressing their own inability to engage council and asking for the engagement at the expense of the Crown of council to be nominated by themselves. The Tribunal kept this petition for consideration until the following day. On the 6th May these four men supplemented their original petition by stating the names of four council whom they wished to select for the purpose. The Tribunal then directed an enquiry to be made from the Law Officers of the Government as to the fees that could be paid to council thus engaged. On the 7th May the Tribunal was informed that a consolidated fee of RS. 200 a day could be paid for engagement of council for these four accused. On this being made known to the accused concerned they preferred a request to engage Mr. Amar Das on Rs. 150 a day for Ajoy Kumar Ghosh, Kishori Lal and Des Raj and Mr. Baljit Singh on Rs. 50 a day for Prem Dutt. The tribunal accordingly made an order engaging these council for these accused and they took up their duties at midday on the 7th May. On the 5th and 6th May the evidence of Mr. Harding (P.W.1) and a part of the examination-in-chief of Jai Gopal (P.W.2) had been recorded in the absence of the two councils aforesaid. The two councils on being engaged made a statement that the evidence thus already recorded should not be heard over again in their presence, but should remain on the record as already recorded. The Tribunal, therefore, ordered accordingly.

The remaining fourteen accused were questioned whether they wished to be represented by council at the expense of the Crown. Nine said they desired no such assistance and the remaining five stated that they did not wish to answer the question. These fourteen accused were all informed that if at any time they wish to have council engaged for them at Crown expense they may make a petition to that effect stating the grounds of poverty or otherwise on which such request is based.

7th May, 1930. J. COLDSTREAM.

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Jai Gopal, P.W.2, continues on S.A: —

Sukhdev told me to go to Des Raj at Lahore for the night and see him the next day at Lahore Cantonment Railway Station. I went to Lahore Cantonment the next day at about 7o'clock. Sukhdev had already arrived there. At the instance of Sukhdev, I received two members of the party, Partap Singh, alias Mahavir Singh and Pandit Ji Chander Shekher, absconding accused. They came by passenger train. At the Railway Station I told Chander Shekar alias Pandit Ji that *Sukhdev was waiting for him outside the Railway Station*. Pandit Ji alighted from the train and gave me the box he had with him. It was a small black suit case. Pandit Ji told me that two other members of the party were coming by the next Express train and would be found in the last third class compartment and that I should take them with me to the party's quarters in Mozang. Partap Singh proceeded to Lahore station by the same train. Pandit Ji then went outside the station. After a short time the Express train arrived and I met the two persons mentioned above. One of them was this man (the witness points out Shivram Rajguru "M" No.16) and the other man was this (the witness points out the person sitting between Sukhdev and Bhagat Singh, i.e., Kundan Lal, accused no.17). I took them both with me to our Mozang house along with the suit case. Before our arrival Partap Singh alias Mahavir Singh was already there. From there I went to Desraj's room in order to meet Sukhdev.

It was the 17th of November, 1928, when Lala Lajpat Rai died. I found Desraj, Pandit Ji and Sukhdev all sitting in the room of Desraj. Pandit Ji enquired from me where the suit case was and I told him that I had left it at the Mozang house. He told me to go and bring that suit case from there at once. This I did accordingly. Pandit Ji opened that suit case which contained a number of revolvers. The details are as follows:—

1. One Mauser pistol which I had seen with Bhagat Singh at Ferozepore;
2. One revolver Ex.P/200 which I had seen with Sukhdev at Lahore and Bhagat Singh at Ferozepore;
3. A revolver of smaller size than Ex.P/200 but of the same bore;
4. A small revolver, Ex. P/122 which was later on recovered from the personal search of Sukhdev;
5. Another revolver of the same size as Ex. P/122 which the accused "M" Shivram afterwards used in committing the murder of Mr. Saunders;
6. One knife like Ex.P/475; and
7. 10 or 12 gun cartridges.

With each revolver there was the requisite ammunition which we call "***food***" in our parlance.

Pandit Ji explained to us how to load and unload revolvers and then

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packed up the things in the same suit case. He told me to take it back to the same house at 9 o'clock at night. Accordingly I took back the suit case at 9 P.M. Many members of the party slept in that house that night. They were as follows:—

1. Pandit Ji (accused No.20).
2. Bhagat Singh(accused No.11)
3. Sukhdev (accused No.1)
4. Mahavir Singh, alias Partap (accused No.10)
5. "M" Shivram Rajguru (accused No.16) with a companion of his.
6. Ram Chander or Ram Chand (the witness points to Kishori Lal, accused No.3).
7. The companion of "M" is Kundan Lal, accused No.17.

Next morning Sukhdev told me to go back to Ferozepore and stay with the Doctor. I left for Ferozepore by evening train and reached there. Bhagat Singh came there after 5 or 6 days. He had in his possession an automatic pistol. ***Ex. P/480 is that pistol. This was subsequently used by Bhagat Singh, accused in the murder of Mr. Saunders.*** The magazine was loaded. Bhagat Singh showed me that it was loaded. The magazine is now missing. He had also a book with him entitled "Road to Freedom." This book was like Ex.P/481. It was not bound then. I cannot say if this is the same copy.

Next day Bhagat Singh took me along with him to Lahore. We had taken with us the bundles of the "Phansi" number of the "Chand Magazine" which had been left there by Pandit JI and Bhagat Singh. Bhagat Singh also took with him the book mentioned above and the pistol. Bhagat Singh got down at Lahore Cantonment Railway Station while I went to the City Station from where I went to our Mozang house. That was on the 23 rd or 24th November, 1928. The members of the party who off and on visited and slept in that house were as follows:-

1. Bhagat Singh (accused No.11)
2. Pandit Ji (accused No.20).
3. Sukhdev (accused No.1)
4. Mahavir Singh, alias Partap (accused No.10)
5. "M" (accused No.16) and his companion (Kundan Lal).
6. Ram Chander alias Kishori Lal (accused No.3).
7. Kali Charan (accused No.21) who is not here.

I also slept there.

During these days I came to know from Pandit Ji that on the ground of shortage of funds the party intended to raid the ***Punjab National Bank***, Lahore. [Sukhdev's Remark 6: Wrong - nonsense. How could he know before hand (Punjab National Bank raid)] Pandit Ji stated further that the dacoity would be perpetrated with the help of a motor car. Pandit Ji

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(accused No.20) and Partap Singh (accused No. 10) both used to go out practising motor driving. Once of twice I too accompanied them. Pandit Ji used to hire a taxi from the Lohari Gate stand and go towards Muridke. During these days "M" s companion had left the house.

One day Sukhdev told Kishori Lal to take me to Masterji's house in Prem Gali. Kishori Lal took me that evening to his house but the Masterji could not be found. Next day Kishori Lal took me again. Masterji was found there with an old lady who looked as if she might be his mother. (The witness points to Masterji Agya Ram, accused No.2). I stayed with Masterji for two or three days. Sukhdev told me to go to the house of Pandit Yashpal (absconding accused No.23) and get from ***him Sukhdev's khakhi coat and utensils. I accordingly went there and brought the khakhi coat and some utensils.*** So far as I recollect Ex.P482 is the same khakhi coat. So far as I recollect Ex. P/483 is the Patili from among those utensils. I handed over the khakhi coat and the utensils to Sukhdev. ***Sukhdev sent me to Lyallpur to fetch his mother; but she refused to accompany me. She, however, said that she would be coming on the same day with Sukhdev's uncle.*** After that I used to live in the Mozang house. This was about the end of November and beginning of December, 1928. At that time the following members used to frequent that house:-

1. Pandit Ji (accused No.20).
2. Bhagat Singh(accused No.11)
3. Sukhdev (accused No.1)
4. Partap Singh (accused No.10)
5. Kishori Lal (accused No.3)
6. "M" (accused No.16)
7. Kali Charan (absconding accused No.21), and two other persons. One of them is Kelash, whose real name is Bhagwan Das who was an accused in the Bhusawal Bomb Case, and the other person is sitting last in the front row (the witness does not know his name). (Bijoy Kumar Sinha accused No.15).

I went to Bhusawal to appear as a witness against Kelash. Bhagwan Das is also known as Kelash (accused No.19) Fonindranath Ghosh, some Police officers and I were sitting in the precincts of the Sessions Court at Jalgaon in a tent when Bhagwan Das fired a shot at us in the lunch interval.

(Objected to by council for the accused as irrelevant as Bhagwan Das is alleged to have shot at the approver subsequently to the offences with which the accused were charged. Admitted under sections 11(2) of the Indian Evidence Act, subject to further consideration in the light of other evidence.)

I have a mark on my shoulder where I was hit. Hans Raj Vohra

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(approver) used to come to the Mozang house off and on. In the beginning of December, 1928, one evening when the members of the party were present Pandit Ji said that the next day, at about 3 P.M. a dacoity would be committed at the Punjab National Bank. At this time the following persons were present:-

1. Bhagat Singh (No.11)
2. *Pandit Ji* (No.20)
3. Sukhdev (No. 1)
4. Partap Singh (No.10)
5. "M" (No.16)
6. Kali Charan (No.21)
7. Ram Chander (No. 3)
8. Hans Raj Vohra and
9. Myself.

Pandit Ji told Bhagat Singh and Partap Singh that on the following day at about noon they should leave the house and, after taking a taxi with them, reach the Punjab National Bank at 3 P.M. Kali Charan was to be given a big knife with which to cut the wires of the telephone. Sukhdev was told to snatch the gun from the sentinel at the entrance of the Bank by threatening him with his pistol and if he refused to give it he was to be shot. Kishori Lal and myself were deputed to collect currency notes in two bags. Similarly different duties were assigned to other members of the party. Next day at about noon Bhagat Singh and Partap Singh went away for procuring a taxi. When I reached the National Bank I saw Pandit Ji, Sukhdev, Hans Raj Vohra, "M" and Kali Charan there. I and Kishori Lal were given two bags. Exs.P/87 P/484 shown to me now in Court are the two bags in question. Pandit Ji had a Mauser pistol with him; Bhagat Singh was allowed to take the automatic pistol, Ex. P/480; Sukhdev had a revolver, while Kali Charan had a revolver and a knife like Ex.P/475/A. Partap Singh also had a revolver. By 3 o'clock Bhagat Singh and Partap Singh had not arrived at the Bank with a taxi. Partap Singh, however, came there in a tonga and whispered something to Pandit Ji who signalled to us and we all went back to the Mozang house 'M' asked Pandit Ji and the latter replied that, as ***no arrangement for a taxi had been made, no dacoity could be committed.*** **About five or six days after this event a meeting was held at night in the Mozang house at which the following persons were present:-**

1. *Pandit Ji* ... (No.20)
2. Sukhdev ... (No. 1)
3. Bhagat Singh ... (No.11)
4. Kishori Lal ... (No. 3)
5. 'M' ... (No.16)

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6. Partap Singh ... **(No.10)**
and
7. Myself ... ...

Pandit Ji proposed [Sukhdev's Remark 7: Wrong] at this meeting that we should murder Mr. Scott, Senior Superintendent of Police, because he had struck Lala Lajput Rai with a lathi, and thus win the sympathy of the public. This was on the 9th or 10th of December, 1928. The meeting was held at about 9 P.M. On the following day Pandit Ji told me that Mr. Scott used to go to his office in a motor-car, No. 6728. I was told to keep a watch and fix the hour at which he ordinarily reached and left his office. I watched the movements of Mr. Scott on the 11th, 12th, 13th and the 14th of December, 1928, and reported each day to Pandit Ji that he came to his office between 10 and 11A.m., and left it at between 4 and 5 P.M. While performing this duty I used to carry books with me and stand in a small compound attached to the D.A.V. College near the police office. On the 14th December Pandit Ji told me that Mr. Scott should be murdered on the 15th for certain, as the 16th of December was to be celebrated as the Kakori Day. By "the Kakori Day" I mean the day fixed for the commemoration of the day on which four persons were hanged in the Kakori Conspiracy Case. On the 15th December I went to the Police Office as usual to watch the movements of Mr. Scott. The motor car, No. 6728, belonging to Mr. Scott did not come to office that day. **On the same day I met Zia-ud-Din, who is a Railway Guard and a friend of my father opposite to the Police Office.** [Sukhdev's Remark 8: Never allow anyone to meet an acquaintance; rather should be avoided] The same day after noon I reported to Pandit Ji that Mr. Scott had not attended his office. That day was Saturday. He then said that they would murder Mr. Scott on Monday the 17th of December, 1928, for certain so that the deed may be accomplished before the secret was out. On the evening of the 15th I met Bansi Lal at the gate of the Police Office. He told me that my father was angry as I had not written to him for some time. I then told him that, as I was a member of the revolutionary party, had no mind to go back to my father. I informed Sukhdev and Pandit ji of this interview with Bansi Lal. On the 15th at a about midday I saw Bhagat Singh with a number of posters entitled, "The Hindustan Socialist Republican Army" made of pink paper and printed in red. On one of the posters was typed "Scott is dead; Lala Ji is avenged". There was some more matter in type below that heading. The poster was like Ex. P.A.X, but the words in manuscript were not there. EX. P.A.X has got written on it, "Saunders is dead". Pandit Ji then asked me to bring some money from my friend Bansi Lal. Accordingly on the 16th, I brought from him Rs. 3 in cash and he promised to get me Rs. 10 more. I gave Rs. 3 to Pandit Ji. In the evening we went to Bradlaugh Hall to attend a lecture relating to the Kakori Day. On the 17th December I went to see if Mr. Scott had come to his office. At about 10

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A.M. I saw a European police officer ride to office on a red motor cycle. Those who were present in the office salaamed him. I thought it was Scott who had come to office on a motor cycle that day. In order to satisfy myself I waited for the motor car bearing No. 6728, but it did not arrive. I was then sure that Mr. Scott had come to office on a motor cycle that day. There was no difference between the uniforms of Mr. Scott and this officer who came on motor cycle. At about noon I reported to Pandit Ji about it and he then said that the murder should be committed that day. At about 1-30 or 2 P.M. a meeting was held in the Mozang house at which Pandit Ji, Sukhdev, Bhagat Singh, 'M' and myself were present. Pandit Ji took out the Mauser pistol and a small revolver from a box and loaded them. Pandit Ji was for giving me the small revolver; **but *Sukhdev objected and said that it should be given to 'M'*** I was told that I would be given the small revolver in the evening, as that evening Dina Nath, approver in the Delhi Conspiracy case, was proposed to be shot. I was to shoot Dina Nath. Pandit Ji kept the Mauser pistol with him; the revolver was given to 'M'; and the automatic pistol to Bhagat Singh. These three and myself were to commit the murder of Scott. ' M' went on foot and we three on bicycles. The bicycle, Ex. P/ 55 was used by me. Ex.P./54 was one of the three bicycles belonging to the party, but I cannot say who used it. I put my bicycle near the Boarding House latrines of the D.A.V. College Lahore.

7th May 1930 J. COLDSTREAM

Hearing adjourned till to-morrow the 8th May 1930. Accused remanded to custody to be produced to-morrow at the hearing of the case.

7th May 1930 J. COLDSTREAM

Jai Gopal (approver), P.W.2, examination-in-chief, continued on S.A.:-

Two bicycles were to be put near the latrine and I was to keep one cycle with me and stand near the Police Office. The idea of keeping the bicycle near me was that if the first shot at Mr. Scott missed then Bhagat Singh was to take the bicycle from me and chase Mr. Scott and shoot him down. Three bicycles were brought from the Mozang house, one by me and other two by Bhagat Singh and Pandit Ji. I put my bicycle near the latrine and went on foot to the D.A.V. compound opposite the Police Office. Then Pandit Ji and Bhagat Singh brought two bicycles to the D.A.V. compound near the Police Office. One of those two I took and placed it close to my bicycle near the latrine. I returned on foot to the D.A.V. College compound, opposite the Police Office and taking the third bicycle which was then there, stood with it on the road. At that time Pandit Ji was in the D.A.V. College compound. Bhagat Singh and "M" were

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walking about on the road. They had no bicycle with them. It was after in the afternoon. After this many D.A.V. Schoolboys passed on the road.

After this the sahib who I belived to be Mr. Scott came out of the office. ***A tall Sikh constable in uniform followed him.*** The constable put something into the hand of the sahib and turned towards the office. The sahib had started the motor cycle and taken his seat on it. He moved off slowly. [Sukhdev's Remark 9: Bhagat Singh was to fire first. "M" was sent only to guard Bhagat Singh. Pandit was to guard them both. While escaping B.S. marked that the Sahib is not Scott. So he turned towards Pt. Ji to tell him so. Meanwhile "M" fired which he should not. He never recognized Scott. Then B.S. was duty bound to fire the wrong man. Thus happened the murder of Mr. Saunders.] **At this time "M" and I were quite near and I made a sign to say that that sahib was coming. On this he took out his pistol and moved towards the sahib. I stood at the turning of the road. Bhagat Singh at that time was close to Pandit Ji but outside the gate in the road.** ***"M" fired at the officer as soon as the motor bike reached near him.*** **"M" had a revolver with him. The officer who was hit lifted up his hands from the cycle and fell on one side of the cycle. The cycle engine went on turning. One of the officer's legs fell under the cycle. Bhagat Singh ran towards the officer and fired several shots at him. Bhagat Singh had a *brownie automatic pistol (Ex.P/480)*.** Bhagat Singh may have fired 5 or 6 times. Some sort of sound came out of the officer's mouth as he fell. Afterwards he did not speak. We three then ran down the Court Street. As we ran off a *sahib came out of the office followed by the same tall Sikh constable who had come* to put something into the hand of the first sahib. These two ran after us. That Sahib was Mr. Fearn, Traffic Inspector. I identified him later. In the meantime a motor car came from the direction of the District Courts. That motor car stood near me. This was while the firing was going on. I do not know how many men were in that motor car. The Tahsil building is close to the Police Office. I cannot say if anybody was there. Mr. Fearn and the tall Sikh constable were running after Bhagat Singh and "M" down the street. ***Bhagat Singh fired at Mr. Fearn who had just passed Bhagat Singh. Mr. Fearn ducked and fell.*** Bhagat Singh and "M" then entered the D.A.V. College compound through the smaller gate. I went on down Court Street with my bicycle. The Sikh constable turned into the compound after Bhagat Singh.

I was not on my bicycle but I pushed the bicycle. After a little while I heard two or three reports of a revolver from the direction of the College compound. Then I went towards the latrine where I had left the two bicycles. I noticed that no bicycle was there. I questioned a sweeper as to where the bicycles had gone. He said he did not know who had taken away the bicycles. Then a kitchen boy, who was known to Des Raj, came to me and said that Des Raj had taken away one bicycles and had given

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him the other to put near the kitchen. In the meantime Bhagat Singh, Pandit Ji, and "M" came down from the upper storey of the hostel where Des Raj had a room.

I pointed out the places which have been mentioned above to a Magistrate with the exception of Des Raj's room.

Pandit Ji had a mauser pistol with a long additional butt so that it could be used as a rifle. He detached the butt from the pistol, put the pistol inside the butt, and put it in his pocket. I told Pandit Ji that Des Raj had taken away one bicycle and that two were at their disposal. Pandit Ji took the bicycle which I had. He then put "M" on the same bike with him and rode off. They went out through the small gate of the D.A.V. College compound. I and Bhagat Singh went towards the kitchen to take the bicycle which was lying there. I took the bicycle and Bhagat Singh took it from me and then we again came to the place where the bicycles were kept before, that is near the latrine. At that place Bhagat Singh changed his cap with my turban (lungi). Ex.P/488 is the turban (lungi) which Bhagat Singh took from my head. Bhagat Singh got on to the bicycle and went of by the same small gate. I climbed a wall (at point P.A.W on the plan) and went down the compound. I walked past the tank and stayed at the place marked 33 in the plan and began to read a book which **I had with me. Then I saw two Europeans in uniform and a number of men with them. One of the Europeans had a revolver; the other European asked me** if I had seen some men go that way on bicycles. I said "No, I had not seen any men go that way on bicycles", and suggested that he should enquire from the labourers who were working at a short distance. The officers went towards the labourers. I then went to the Mozang house via behind the C.I.D office. It must have been about 5-30 P.M. when I got to the house. The actual shooting took place at about 4-15 or 4-30 P.M.

When we went to the police office, the scene of offence, Bhagat Sing wore a felt cap, warm coat, khaki knickers, stockings and a pair of black shoes. The pair of shoes Ex.P/489 is the same which Bhagat Singh had: P/487 is the coat. Pandit Ji had a kullah (P/130-A) and pugrie (P/130) which are now in Court. The pugrie was then of almond colour, a salwar, warm coat and a pair of fleet foot shoes. "M" had a felt cap like the one I have (witness means folding Irani cap), cotton coat, pyjamas and a pair of fleet foot shoes. I had a turban (lungi) P./488, warm coat, P./486, a pair of black shoes P./166 and pyjamas.

The pugrie, P. /130, was taken by me to Ferozepore and I had it dyed a different colour.

Sukhdev did not accompany us when we went to the police office in order to shoot the police officer. His duty was take away the arms which were at the Mozang house. The arms were in the small iron suitcase I have already described. When I reached the Mozang house I found

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Partap Singh alias Mahavir Singh accused, on guard in the front room of the house. Pandit Ji, Bhagat Singh and "M" were in an inner room of the house. I described to them what had happened to me. Bhagat Singh was sitting in that room without any headgear: he had no lungi on his head. I asked him where my lungi had gone and he told me that he could not tie it round his head so he had left it on the spot. Bhagat Singh told me that the Sahib who had been shot by them was not Mr. Scott, and also that they had had to shoot a Punjabi Sikh because he had pursued them. Bhagat Singh did not make it ***clear as to who out the three had shot the Punjabi Sikh.*** The suit case containing the arms was not in the house, nor was Sukhdev there. Partap Singh told me that Sukhdev had left word that I (approver) had to meet Sukhdev near Dyal Singh College. Then Pandit Ji requested me to ask Sukhdev to bring a revolver and 10 or 12 cartridges out of the suit case which had been taken away by him. Pandit Ji also asked me to get some money from Bansi Lal for expenses.

I met Sukhdev in the evening about 6 P.M. Bijoy Kumar Sinha and Bhagwan Dass were with Sukhdev. **I described the murder to Sukhdev. Sukhdev had told me that the two companions of his were also members of the party so I described all what had happened in their presence.** [Sukhdev's Remark 10: Wrong] (Added on reading over). Sukhdev said that the two knew beforehand what had happened. Sukhdev told me that we had killed the wrong man because he had seen Mr. Scott in a car in the evening. I delivered Pandit Ji's message to Sukhdev. Sukhdev told me to go back to the Mozang house and get the key of "M"'s house from "M". I got the key and delivered it to Sukhdev. Then I went to take money from Bansi Lal and after getting Rs. 10 from him, I went back to Mozang house. I did not say anything about the murder to Bansi Lal. When I returned to the house Sukhdev had already arrived. Pandit Ji gave me the revolver which was used by him. That revolver was like P. /122. The revolver which was brought by Sukhdev was given to ***"M". Bhagat Singh and Pandit Ji*** **kept their Arms with them.** I asked Pandit Ji whether Dina Nath, approver, was to be killed or not and he replied that as there were too many police in the bazaar it was not advisable to kill him. I and Partap Singh remained in the Mozang house. Pandit Ji, Bhagat Singh, Sukhdev and "M" left the house at about 9 or 10 P.M.

Next day Kishori Lal came to our house and told us that Mr. Saunders and Chanan Singh had been murdered. I told him that the house where we were was quite safe because it was not watched by the police. Three or four days after this Kishori Lal and Bhagwan Das again came to our house. Kishori Lal gave me Rs. 5 and said that Sukhdev had given instructions, that I (approver) and Partap Singh should go back to Ferozepore. I handed over the revolver, which I had to Kishori Lal to pass it on to Pandit Ji. I and Pratap Singh then went to Ferozepore and stayed

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with Dr. Nigham. After some days Bijoy Kumar Sinha came to our house and left for Delhi by the evening train. Bijoy Kumar Sinha was wearing the same pugri, P/485, which was used by Bhagat singh on the day the National Bank was raided. I retuned from Ferozepore to Lahore on 30th or 31st December 1928, in order to meet meet Sukhdev. On reading over witness adds " In Mozang house and in the party Sukhdev used to be called Swami and Bhagat Singh was called Ranjit."

The murder of Mr. Saunders and Chanan Singh took place on the 17th of December 1928.

I did not meet Sukhdev but I met Kishori Lal who told me that Sukhdev was not in the station but that he would come the next day. I stayed the night in the Mozang house. Next day at about 1 P.M. I met Sukhdev and Kishori Lal and we three went to the canal bridge which is on the Ferozepore Road. While we were there Mr. Scott's motor car, No.6728.passed on the road. Mr. and Mrs. Scott, the motor driver and a person in white clothes were in the car. **Sukhdev had a revolver and I said to him "you can shoot him here". Sukhdev said "he has already escaped from our hands once; there is no use firing at him again".** [Sukhdev's Remark 11: Nonsense. As a member of a body I could not do so.]

After Kishori Lal had left us at the canal bridge Sukhdev told me that Bhagat Singh and ***"M" had gone by Bombay Mail towards Delhi on 20th or 21st December*** *and on 25th or 26th Pandit Ji also left for Delhi* ***and that his (Sukhdev's) mother and sister and Kishori Lal had gone with him and that after leaving Pandit Ji at Delhi they had returned to Lahore.***

After this Sukhdev ***took me to his house in Jora Mori,*** *[Sukhdev's Remark 12:* I believed him too much. Many a times what I should have not. It was unnecessary on my part to take him to for Jora Mori house. I committed the same mistake when I took him to Kashmir House Building.] inside Shahalmi Gate, Lahore. There Sukhdev called someone by name of Dev Dutt and Kishori Lal answered the call. Kishori Lal, myself and Sukhdev spent the night in that house in Jora Mori. Next day I and Kishori Lal went to the Mozang house and brought our things from there. We vacated the house in Mozang. In Jora Mori we had our meals and Sukhdev cleaned and oiled the revolver which he had, ExP/122. Sukhdev then gave me Rs. 5 and asked me to go to Ferozepore. I went to Ferozepore and stayed at Dr. Nigham's house. This must have taken place about the 2 nd of January 1929. After two or three days Sukhdev came there. He talked for a long time with Partap Singh and gave him Rs. 25 or Rs. 30.

Towards the end of January, 1929, on receipt of a letter from Sukhdev I went to Amritsar to see Kali Charan. The Doctor Nigham had given me

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at Ferozepore the material required for preparing explosives with the direction that I should hand it over to Sukhdev. I went to see Kali Charan in Moghal Bazaar at Amritsar. Kali Charan was not there. After two or three days Sukhdev came there. I gave him the following:-

Nitric Acid, Merks	...	one bottle.
Sulphuric Acid, Merks	...	one bottle.
Carbolic Acid, Merks	...	one bottle.
Glycerine, Merks	...	one bottle.
Potassium Chloride, Merks	...	one bottle.

Some days later, about the 8th or 9th of February Sukhdev, Kali Charan and I came to Lahore, to hear Pandit Jawahar Lal Nehru's lecture in Bradlaugh Hall. Sukhdev and Kali Charan had purchased some clothes at Amritsar because Kali Charan had to go to Delhi that night. After that Kali Charan and I returned to Amritsar. Kali Charan left for Delhi from Amritsar. Kali Charan left with me a package containing caps, sulphur and some other powders with instructions that I should give these things to Sukhdev when I go to Lahore.

Next day, as previously arranged, I met Sukhdev in Lahore with the things. Kishori Lal met me at the railway station and took me to the house near Mewa Mandi. Sukhdev and Prem Dutt were in that house. I handed over the package which Kali Charan had given me. I knew that the package contained caps and sulphur, etc., because I was shown these things and was told that I should carry the package carefully. Sukhdev told me that the Central Body of the Hindustan Socialist Republican Army had decided that **I should be sent to Kohat because there was a Mahabharat Swarajiya Party in Afghanistan and that I should get our party connected with it.** [Sukhdev's Remark 13: Pure nonsense] He said that Bhagat Singh and Sukhdev were representatives of the Central Body of that party in the punjab. ***Sukhdev gave me a letter addressed to Balak Ram, his uncle, who was station master at Chikarkot, beyond Kohat.*** Sukhdev gave me Rs. 40 for expenses. After this he gave me Rs. 10 more to buy a ticket for Delhi. This happened two days before Basant, that is on the 12th of February. The ticket for Delhi was meant for Sukhdev himself. Sukhdev said that he was going to Amritsar and that I should follow him by the through train to Delhi with his luggage and meet him at Amritsar. Sukhdev met me at Amritsar station and I handed over a suit case and a blanket to him. Ex.P/539 is that blanket. He had said he could not carry these things to Amritsar with him because there was no place where he could keep these things. Sukhdev went by that train to Delhi after receiving the suit case and the blanket. Sukhdev told me to give the key of the Amritsar house to Master Agya Ram who was in Ram Ashram. I did so. This was on the 14th of February 1929. The same day I returned to Lahore and then left for Kohat by the Calcutta Mail. ***Bansi Lal***

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[Sukhdev's Remark 14: Lack of disciplinary habits. His sincerity attracted me so much that I could not check him from such act.] met me at the Lahore railway station. I got down at Rawalpindi and met Hori Lal in the city. **I reached Kohat and then went on to Chikarkot where I met Baboo Balak Ram *and delivered the introductory letter to him.*** He got me appointed as a compounder at the shop of Dr. Amar Singh in Kohat City. Balak Ram had given me an introductory letter for Dr. Amar Singh. I took a room on rent in Katra Buta Singh to live in. Sukhdev came to Chikarkot in the beginning of March 1929 and I went to see him there. Sukhdev had the same revolver with him which I had seen with him before, that is, P/122. That evening when we went out for a walk we fired a shot each. Sukhdev returned after two or three days. He left two books with me "Awake and Arise" (P/490) and "Kya Karen" (P/120.

I used to go and see Balak Ram off and on. He twice gave me Rs. 10 and said that the amount had been sent by Sukhdev. On the 13th of April 1929, I went to see Balak Ram and told him that I wanted to go to Lahore in order to see Sukhdev and that he should make some arrangements for my going there. He sent me with a Moahmmadan Baboo who was coming to Lahore that night. Some trolley men were with that Mohammadan Baboo. They had a pass and I also came on that pass.

I had sent a letter from Kohat to Baboo Balak Ram and had also sent the key of my house to him. That letter is Ex. P.A.R/2. The key is P/491. (Letter read out by the witness.) At Rawalpindi I again got down to see Hori Lal and left a sheet there with him. The sheet is P/492. I was present when this sheet was recovered by the police from Hori Lal. I signed the recovery list. I met Sita Ram, proprietor of Morton Press, where I used to work at Rawalpindi. I got down at Badami Bagh railway station with the trolley men. In the evening I met Sukhdev outside Bhati Gate. He asked me to meet him near the Victoria Statue at 9 P.M. I met him there *and after that we went to Excelsior Theatre to see the Cinema. There Sukhdev showed me Bhagat Singh and Dutt's photos. In the Civil and Military Gazette. These two had been arrested after the Delhi Bomb outrage. This happened on the 14th of April 1929. We left the show during the interval. Gate pass, P/121, was found on me on my arrest. After this* ***Sukhdev took me to his house in Kashmir Buildings in Qila Gujar Singh.*** [Sukhdev's Remark 15: See note on 32 (Serial No. 12)]

Sukhdev took me to the Kashmir Building. I do not remember the number of the room. Sukhdev told me at sleeping time that they had prepared bombs, etc. He also told me that there was also a bomb factory at Agra. **I asked why I had not been called when bombs were made.** [Sukhdev's Remark 16: Reference to Agra Bomb Factory] He said that the Central Body had not given permission to call me on this occasion. Sukhdev and I slept that night there.

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Next day, Kishori Lal (accused No.3), came there. On seeing me Kishori Lal said that I had come now when everything had been prepared, I asked him that I should be shown whatever they had prepared. ***On this Sukhdev said that the Central Body had decided to murder Tassaduq Hussain, Bannerji, who was shot at in Benares, one K. C. Bannerji, who was convicted and sentenced to five years rigorous imprisonment by Mr. Phailbus, and Dina Nath.*** [Sukhdev's Remark 17: Wrong. I never told him such.]

Sukhdev then told me to have a bath which I did. When I came back to the house, Sukhdev gave me Rs. 10 and asked me to go to Amritsar to pay of the house rent occupied by Kali Charan. I was dressing myself when the police arrived at about 8 o'clock in the morning. Khan Sahib Niaz Ahmad Khan and Sayyad Ahmad Shah came to our room. The Deputy Superintendent of Police, Khan Bahadur Abdul Aziz and several other persons were outside the room. I came to know of these names later on. On the arrival of these persons we were searched and arrested. **Sukhdev pretended to be feeling sick and went out of the room in order to drink water.** ***He was brought in and was being searched when he took out a revolver from his pocket which was snatched away from him by Sayyad Ahmad Shah, Deputy Superintendent, Police. The revolver in question is Exh. P/122. The Police enquired from Sukhdev whether the revolver was loaded and he said yes.*** [Sukhdev's Remark 18: I myself handed over the revolver to the police before the search.] **The Deputy Superintendent, Police, handed over this revolver to Deputy Niaz Ahmad Khan. After the searches we were handcuffed.** ***Sukhdev then pointed to a box lying above a window saying that it contained a live bomb. The box was opened by the Police and the bomb wrapped up in papers was recovered. Exh.P/2 is that box.***

The police then opened an almirah, the key of which was given by Kishori Lal, bomb-shells, acids, chemicals and glasses etc., were recovered. Somebody was writing down the recovery list. Exh. P/C is the recovery list in question, it bears my signature.

The list of articles recovered from my person also bears my signature. It is Exh.P/E/4. Sukhdev and Kishori Lal both signed the recovery list, Exh. P/C, in my presence. I identify their signatures.

At the time of the search I enquired from Sukhdev why he had not used this revolver. He said that ***he had a mind to fire at the topewala, i.e., Khan Bahadur, and take me and Kishori Lal along with him; but that he had no opportunity to do so.*** [Sukhdev's Remark 19: Non sense. It was quite impossible.]

I identify the following articles which were discovered from the Kashmir Building at the time of the search :—

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Eight bomb-shells, Exhs.P/4 to P/11.

18 cartridges recovered from Sukhdev, Exh.P/13.

A revolver recovered from Sukhdev, Exh. P/122.

Five books, Exh. P/27, P/28, P/29, P/159 and P/160.

One book, Exh. P/19.

Two books, Exh. P/22, and P/23.

One book, Exh. P/24, entitled as "Administration of violence."

"Kakori ka Shahid." Exh. P/18.

Two rubber gloves lying in chuna in a small tin box, Exh.P/62, 63 and 64.

A bag was also recovered from the Kashmir Building, Exh.P/87. This was to be used by us in the Punjab National Bank dacoity.

Six copies of the pamphlet called "Revolutionary paper" Exh.P/26. This paper was published and distributed in the year 1925 at night time.

I identify the following articles shown to me in Court:-

A key, Exh. P/472. This key was one of the two keys which Sukhdev had shown to me at Pari Mahal.

A lock, Exh. P/478. This lock was fixed to the tin box, Exh.P/471.

Batteries, Exhs. P/474 and 474 A, which I had brought from the National School.

A blanket, Exh. P/479. I had seen this either with Pandit Ji or Bijoy Kumar Sinha.

A hat, Exh. P/298. As far as I think this hat appears to be the one worn by Pandit Ji when we went to the National Bank.

Stockings, Exh. P/290. These were worn by the accused on the day Mr, Saunders was murdered. I recognise them by the holes.

A felt cap, Exh. P/493. Bhagat Singh used this when he lived in the Mozang House. Sukhdev got it from Desraj.

A silken pagri, Exh. P/498. This belongs to me. I had left it at Kohat.

A pyjama, Exh. P/499.

A shirt, Exh. P/500.

Another shirt, Exh.P/501. All these were left at Kohat.

A flannel shirt, Exh.P/536. This shirt is mine. Pandit Ji and Sukhdev used to wear this in the Mozang house.

A book entitled as "Indian Manual of First Aid" Exh. P/495. This was recovered from my personal search in the Kashmir building.

A lock, Exh. P/176. This lock was fixed to the house of Kali Charan at Amritsar.

A book entitled "Case against a Wage Cut" Exh. P/171. This was recovered from the house search at Amritsar.

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A book entitled "Machine construction and Mechanical Drawing" Exh. P/169. This was recovered from the house search at Amritsar.

A book entitled "Non-Co-operation pushed to its Logical Consequences" Exh. P/170. This was also recovered from the house search at Amritsar.

A muffler, Exh. P/167. I used this in our Mozang house.

Drawing scales, Exh. P/174. These are mine and were recovered from the house search at Amritsar.

Two small copy books containing prescriptions, Exhs. P/496 and P/497. These books were recovered from my personal search in the Kashmir building when I was arrested. These books contain prescriptions which I had learnt from Dr. B.S. Nigham and they relate to various diseases. They are in my hand-writing.

A khaddar bag,, Exh. P/330. This was with Pandit Ji when he came to Ferozepore.

The switch, Exh. P/476 bears pellet marks.

A malmal turban, Exh. P/813. I bought it in Lahore at the time I went to Rawalpindi.

The Kashmir building was searched on the 15th of April 1929. After arrest I was taken to Mughalpura Police Station. I accepted the tender of pardon on the 30th of April 1929, and signed, Exh. P/O. I made a statement before a Magistrate in the thana. I signed that statement too and signed every page of it. Exh.P/A/R/3 is the statement I made. It was recorded on the 30th of April, 1st of May and 2nd of May 1929. Everything contained in this statement is correct.

I identify my signature on Exh.P/C/D/2. This is a parcel way bill relating to the delivery of the cycle sent by my brother from Manipur.

Exh. P/L is the list of articles regarding the house search in Amritsar. It bears my signature. It is dated the 11th May 1929.

8th May 1930 J. COLDSTREAM

[Sukhdev's Remark 20: Names of Raj Guru, Sukh Dev aid Bhagat Singh in bold Urdu script.]

ORDER :

Owing to the disorderly conduct of the accused, the case is adjourned to to-morrow.

12th May 1930 J. COLDSTREAM/ G.C. HILTON/ AGHA HAIDAR

The court was cleared and the accused were removed.

J. COLDSTREAM / G.C. HILTON

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ORDER :

I was not a party to the order of the removal of the accused from the Court to the Jail and I was not responsible for it in any way. I dissociate myself from all that took place to-day in consequence of that order. [Sukhdev's Remark 21: "Praiseworthy" (comments on Justice Agha Haider 12.5.1930)]

AGHA HAIDAR

12th May 1930

Jai Gopal, P.W.2 (continued) on S.A. : —

By Court - (Witness shown the map, Ex. P.A.W.) I stood at point 3. "M" stood at point 4. Bhagat Singh stood at No. 5. The motor cycle and Mr. Saunders fell at No. 1. No. 10 is where Mr. Fearn fell. Pandit Ji sat at No. 11. I followed the dotted line beginning at No. 3 and entered the gate of the College Boarding House and proceeded to No. 25 at which place Bhagat Singh took the bicycle from me. The bicycles had been placed at No. 26. No. 27 is where I had placed two bicycles earlier. No. 28 is the gate where all went out of. I jumped the wall at No. 29. My further route to the tank is indicated by the dotted line. No. 33 is where I met two European officers.

Cross-examination.—Nil. / R.O. and A.C.

15th May 1930 J. COLDSTREAM.

P.W. 3. —Phonindra Nath Ghosh, son of late Moti Lai Ghosh, 30 years, Bengalee, shop-keeper, of Bettiah, District Champaran, on solemn affirmation : —

We are four brothers. Manmatto Nath Ghosh is the eldest, Mano Ranjan Ghosh is the next. I am the third. Sudhir Kumar Ghosh is the fourth. The eldest is an Assistant Station Master on the B.N.W.Railway. The other three of us have kept arms and ammunition and miscellaneous shop at Bettiah. I was educated at Bettiah Raj High School and read up to the second class which is equivalent to the 9th class of the Punjab University. I gave up my studies in 1916 and on my father's death I joined my brother's shop.

In 1916 at Champaran there was a quarrel between the planters and their tenants. Mahatma Gandhi came to Champaran to make a private enquiry into that matter. I and four or five other persons became volunteers, working with him. Monindra Nath Mitter who had come from Bengal for revolutionary work also used to meet me there. Monindra Nath Mitter belonged to the Anusilan Party. This word has the meaning of "searching". After several months discussion he made me a member of

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his Revolutionary Party. He formed me into a shelter for harbouring revolutionaries and also into a post box for revolutionaries letters. Until 1918 I used to shelter revolutionaries either in my own house or in hired buildings at Bettiah. Letters and money orders received by me for revolutionaries, I used to deliver to those who were at Bettiah or else for others to send them to Muzaffarpur which was the headquarter of the party.

In 1918 I was arrested under the Defence of India Act and my house was searched. I was interned first of all at Bettiah and then at Mahilang in Ranchi. Altogether my internment lasted one year. 13 other persons residents of Bihar were also interned along with me. I was bailed out in 1919. I went first to Bettiah and from there I went to Patna to learn Homeopathy. I spent two or three months at Patna. I gave the study up as I did not like it. At Patna I met Jogindar Shukal and became his friend. From Patna I returned to Bettiah and joined the shop of my brother. While I was at the shop I used to be visited by Narain Chand Mukerji who was also accompanied by his cousin Man Mohan Bannerji. Man Mohan Bannerji is an approver in this case. I became a friend of Man Mohan Bannerji, having observed that he was inclined towards service of his country. Up to 1922 I used to supply him with political and religious literature. Some time before 1922 I was visited byJotesh Lahri who had been interned at the same time with me and who was one of the revolutionary Party of Bengal. He suggested to me to reorganise the Revolutionary Party in Bihar. I agreed.

In December, 1922, Man Mohan Bannerji and I attended the Congress at Giya. We spent four or five days there. During that visit I met Khetro Mohan Singh, a member of the Bangal Revolutionary Party. He also suggested to me to reorganise the Revolutionary Party in Bihar. I agreed. On return to Bettiah I set to work on this. But no members were joined until after the visit of Khetro Mohan Singh and Kishori Mohan Singh to Bettiah. After their departure I enlisted Man Mohan Bannerji in 1923.

In 1924, I was visited by Jiwan Kanai Pal who brought a letter from Jotesh Lehri already mentioned in which he instructed me to give all assistance required by Jiwan Kanai Pal for organising a Revolutionary Party in Bihar. I tore that letter up then and there, Jiwan Kanai Pal gave me his Patna address and told me that he had been sent by the Bengal Revolutionary Party to start a revolutionary organisation in Bihar. On the occasion of his second visit I took Jiwan Kanai Pal to Beria and introdced him to Man Mohan Bannerji at the latter's house. The second visit was 1 or 1½ months after the first. I went away, leaving instructions.

In 1925 I organised the Hindustani Sewa Dal, an organisation of volunteers. I became the Captain and Jai Narain Parshad was the President of the Dal. At the Dussehra of 1925 Manadro Nath Bannerji also

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known as Mani Bannerji came from Benaras to Bettiah to see his relatives. He knew that I had been interned and therefore, he began to discuss with me revolutionary matters. He gave me his Benaras address in order that I might write to him or meet him there if necessity arose. Up to 1925 I was studying such books as:-

Anand Math,
Bande Jiwan,
Life of Mazzini,
Life of Mac Swinney,
Life of Garibaldi,
Bangla Biplo (Revolution in Bengal)
Nand Kumar Ki Phansi.

In December, 1925, I attended the Congress at Cawnpore as a Naik in charge of 10 volunteers. Man Mohan Bannerji, approver, and Jai Narain Parshad also went there as delegates. I met there Jiwan Kanai Pal already mentioned. I also met Joginder Shukal. I failed to join him as a member of my Revoluntionary Party because he was already a member of a revoluntionary party at Bundhel Khand of which Chhatrogan was the leader. I sent the volunteers back to Bettiah, while I, *Man Mohan Bannerji* and Jai Narian Parshad proceeded to Banares to see Mani Bannerji. We stopped at the dharamsala. Mani Bannerji told me that he would introduce me to the United Provinces revolutionary party after sending me a letter. I then introduced Man Mohan Bannerji to Mani Bannerji. I explained to each of them who the other was. I and my two companions returned the same evening from Benares to Bettiah. After return to Bettiah I went to Muzaffarpur and obtained Khaddar to the value of Rs. 1,000 on credit from the Khaddar depot. I opened a shop at Bettiah for the sale of that Khaddar of which I put Man Mohan Bannerji in charge on Rs. 5 per cent, commission which I had arranged at Muzaffarpur.

Two or three months later on receipt of a letter from Mani Bannerji I went to Benares. He said to *me that on account of approvers and the work of investigating officers our revolutionary work was being weakened and that some action should be taken. By the word "action" he meant " violent action" such as a murder or dacoity.* He specially mentioned that the United Provinces Party had been weakened by the approvers and the investigating officers in the kakori case. [Sukhdev's Remark 22: A problem to be carefully tackled by the revolutionaries. I myself do not mind these people much except in position of some higher officials.] He asked me for a revolver for that work. I said I would give him one if I could get one. He introduced me to one Modak of the Benares Revolutionary party. After staying for one day Mani Bannerji and I left for Allahabad. At Allahabad he took me to the house of Jitindronath Sanyal. Jatindronath Sanyal is a brother of two of the

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prisoners in the Kakori case, named Sachindronath Sanyal and Bhupindronath Sanyal. J.N. Sanyal is an accused in this case and yesterday I went to the Jail and identified him there.

(The Prosecutor asks the Tribunal to secure the attendance of this accused in the Court precincts to enable the witness to identify him before the Tribunal. An order has been issued for the production of the accused. Meanwhile examination-in-chief should proceed.)

I also identified J.N. Sanyal in the Court of the Special Magistrate. There was no other identification of him by me before any Magistrate. Mani Bannerji introduced J.N. Sanyal to me, describing me as a revolutionary organiser of Bihar and describing J.N. Sanyal as one of the leaders of the U.P. revolutionary organisation. This was in 1926. J.N. Sanyal said that he was in need of men to take action against the Kakori case approvers and asked me to supply any. I said I had no men available then but would supply some if I could. Upon this Mani Bannerji said that if an action was to be taken against approvers he should be given the first opportunity to act. J.N. Sanyal promised to give him the first opportunity. J.N. Sanyal told me that he would send any necessary information to me at Bettiah by message or by letter. I gave him by address as Khaddar Depot, Bettiah, and told him that my man lived there and that if he had any message to send it should be sent to me there. I did not give him the name of the man, but I was thinking of Man Mohan Bannerji, approver. After staying for one day I and Mani Bannerji returned to Benares. I gave Mani Bannerji the same khaddar Depot address and told him that Man Mohan Bannerji was working there to whom I had already introduced him. Mani Bannerji remained in Benares and I returned to Bettiah.

In December, 1926, Man Mohan Bannerji and I went to the Congress at Gohati in Assam as delegates. We stayed there for four or five days. There we met Jiwan Kanai Pal already mentioned by me. He gave me and Man Mohan Bannerji 200 pamphlets for distribution amongst the persons present at the Congress. We distributed them amongst the Sufferers Conference. Those pamphlets were in Hindi. Exh. P/C/N is pamphlet of that same sort. We returned to Bettiah and Jiwan Kanai Pal left for Calcutta. The Congress committee took charge of our Khaddar Depot at Bettiah. Man Mohan Bannerji was given Rs. 15 per month as his wages. This happened in 1927.

In the beginning of 1927, I continued the work of the Hindustani Sewa Dal. After a visit from Mahatma Gandhi in 1927 I went to Calcutta. I spent a month there. On return from Calcutta I went to the Khaddar Depot and met Man Mohan Bannerji, approver, there. He gave me two revolvers. One of them had three cartridges. He said that he had received these from Barindro Nath, Batacharya. When I had met J.N. Sanyal before, he had told me that he had several rusty revolvers of which he had sent two

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to me to clean and oil. When I received them, they were rusty. I concluded that they had been sent by J.N. Sanyal.

I see the prisoner sitting in Court to whom I have referred in the evidence (The accused J.N. Sanyal is sitting in Court and is the man identified by the witness.) I shall refer to this man again in my evidence by the same name.

I cleaned and oiled the two revolvers and handed them over to Man Mohan Bannerji for safe custody. I pick out the 'revolver, Ex.P/122, from the box containing five revolvers or pistols as one of those two revolvers which I have referred to in the evidence. Up to this time I had enlisted in our party the following persons:—

(1) Ram Prashad.
(2) Mahant.
(3) Jai Narain Parshad.
(4) Kanwal Nath Tewari, and
(5) Man Mohan Bannerji (approver).

Kanwal Nath Tewari is an accused person in this case. I identified him yesterday at the Jail. I also identified him in the Court of the Special Magistrate.

(The prosecutor asks for the production of Kanwal Nath Tewari, accused, in Court. This will be done in the due course. Examination-in-chief should proceed.)

During the 1927 Dussehra Barindro Nath Batacharya met me at Bettiah. He told me that Mani Bannerji would come to me in four or five days and that he would send me two Mauser pistols which I should hand over to Mani Bannerji and teach him how to use them and also that Mani Bannerji should be told that he was wanted at Calcutta and that he knew well what business he was wanted there for. He asked me whether the two revolvers which he had given to Man Mohan Bannerji had been received by me. I replied I had received them. Barindro Nath Batacharya had a ***khaddar handkerchief with 'M' on it from which I was convinced that he was a reliable revolutionary, this handkerchief arrangement having been made beforehand between me and Mani Bannerji.*** Barindro Nath, Batacharya went away. Mani Bannerji arrived four or five days later. I told him all what had happened since I saw him last. I was keeping a watch for the arrival of the two Mauser pistols. They did nor arrive. Within 15 or 20 days the police searched my house. After the search Mani Bannerji said he was returning to Benares, and that he could not go to Calcutta owing to the searches, and the scheme, on which he was engaged, having fallen through.

One or one and-a-half months later Shiv Varma came to my shop accompanied by a Marwari. Shiv Varma is an accused in this case. I

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identified him yesterday in the Jail. I also identified him in the Court of the Special Magistrate.

(The prosecutor asks for the production of Shiv Varma, accused, in the Court. Orders will be passed in due course. Examination-in-chief should proceed.) The Marwari was named Devi Parshad and was a resident of Bettiah. Shiv Varma was dressed in the U.P. garb. He said he was a member of the U.P. revolutionary party and J.N. Sanyal had sent him to me. He also said of the revolvers I had. J.N. Sanyal wanted that revolver of which there were three cartridges. I asked him if J.N. Sanyal had in fact sent him to me. He replied that Bijoy Kumar Sinha had sent him to me. I had some doubt about Shiv Varma and said that I myself would go and give the revolver to J.N. Sanyal. This was because I did not know Bijoy Kumar Sinha myself. The same day Shiv Varma went away.

On the following day I took from Man Mohan Bannerji the revolver which had three cartridges and set out for Allahabad. I alighted at Benares. There I went to the house of Mani Bannerji. I told him what had passed between Shiv Varma and myself. Mani Bannerji had introduced me to the U.P. revolutionaries and I talked to him about everything. He said that J.N. Sanyal had sent for this revolver for Mani Bannerji himself. So I handed the revolver to Mani Bannerji. I went to Allahabad to tell this matter to J.N. Sanyal. J.N. Sanyal told me that the revolver had been requisitioned for Mani Bannerji and that Mani Bannerji and one Tarak Nath, a member of the Benares revolutionary party, would use it for action against Mr. Mukerji, C.I.D. When I spoke to J.N Sanyal about Shiv Varma he said that he had spoken to Bijoy Kumar Sinha about getting the revolver from me. I returned to Benares. Mani Bannerji introduced Tarak Nath to me. Tarak Nath showed me an automatic pistol with two cartridges. Subsequently when I went to Amritsar Shiv Varma told me that the same pistol had been given by him (Shiv Varma) to Tarak Nath by himself, that being the pistol with which action was taken against J.N. Bannerji.

I next went to Patna and met Jai Chand Vidya Alankar. I went there in consequence of an arrangement between me and J.N. Sanyal and in consequence of that arrangement I told Jai Chand that he should ask his brother Indar Dev to teach bomb making to J.N Sanyal and his party. Jai Chand replied that his brother had been arrested in the Deogarh Conspiracy Case. I then went to Calcutta and after a few days went to Allahabad, having read in a newspaper that J.N. Bannerji had been shot at. I went to Allahabad to find out and to enquire why J.N. Bannerji had been shot at instead of Mukerji. I there met J.N. Sanyal. J.N. Sanyal told me that by chance Mani Bannerji had come across J.N. Bannerji and had fired on him instead of Mukerji. (Admitted as showing knowledge on the part of J.N Sanyal of certain facts.) (Added on reading over.) J.N Sanyal

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also told me he had deputed Mani Bannerji and Tarak Nath for action against Mukerji. It was on this occasion that J.N. Sanyal asked me to go to Patna to see Jai Chand. After this interview I went to Patna and saw Jai Chand. From Allahabad I went to Benares. There I met Tarak Nath. I asked Tarak Nath why he had not joined with Mani Bannerji in taking action against J.N. Bannerji. Tarak Nath then handed to me the revolver and three cartridges which I had given to Mani Bannerji. I then went to Patna and met Jai Chand as already related. I took the revolver and three cartridges with me. From Patna I went to Muzaffarpur and met Jogindar Shukal who was an organiser of the revolutionary party at Muzaffarpur. He is the same man whom I met when learning Homoeopathy. As I had to go to Calcutta I handed the revolver and three cartridges to Jogindar Shukal for custody. I set out for Calcutta and stayed there for four or five months. While in Calcutta I met Kanwal Nath Tewari accused in this case. He was studying in the Vidya Sagar College there and living at the Arya Samaj Mandir, 19, Cornwallis Street. From Calcutta I went back to Bettiah in June or July, 1928.

One day at the end of August, 1928, I was called at the Congress Office by one of the Congress boys saying that somebody wanted to see me there. I went there at 9 P.M. and met Bijoy Kumar Sinha. He is an accused in this case. I identified him yesterday in the Jail. I also identified him in the Court of the Special Magistrate.

(The prosecutor asks for the production of Bijoy Kumar Sinha, accused, in Court. Orders will be passed in due course. Examination-in-chief should proceed.)

He was dressed in Muslim garb, namely, pyjamas and Irani topee. These garments are worn by the Mussulmans in Bihar. Bijoy Kumar Sinha said that J.N. Sanyal had sent him to me, and that he himself was a member of the U.P. revolutionary party. I enquired as to how I should trust him. He replied that Barindro Nath Batacharya had given me two revolvers one of which had three cartridges. I then believed that he was a member of the revolutionary party. He said he did not like to work under the orders of J.N. Sanyal who was lazy and did not help the work to progress and on that account he himself proposed to have a secret meeting at Delhi to which Bhagat Singh and his associates of the Punjab and Shiv Varma and Chander Shekher Azad of the U.P. as well as the leaders of Bengal would come. I was also asked to attend from Bihar. I said I would first consult J.N. Sanyal and also Man Mohan Bannerji and then work with Bijoy Kumar Sinha if they agreed. He and I slept at night at the platform of the Congress office.

16th May, 1930. J. COLDSTREAM.

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P.W. 3—Phonindra Nath Ghosh (approver), continued on S.A.: —

[Sukhdev's Remark 23: Now begins our connection with Bihar people.] In the morning I and Bijoy Kumar Sinha went on a bicycle to the house of Man Mohan Bannerji at Beria, which is 5 miles from Bettiah. Man Mohan Bannerji is a resident of Beria. Some distance from Man Mohan Bannerji's house we came to a stop and asked a man who was passing by to go and fetch Man Mohan Bannerji to us. I do not know that man's name, but I could identify him. He has already identified me in the presence of a Magistrate. He went and sent Man Mohan Bannerji to us. I introduced him to Bijoy Kumar Sinha and told him that Sinha was a revolutionary of the U.P. and told B.K. Sinha that Man Mohan Bannerji was a revolutionary who worked with me. At my suggestion B.K. Sinha told Man Mohan Bannerji about his proposal to have a secret meeting at Delhi. I persuaded Man Mohan Bannerji to agree to come to Delhi. B.K. Sinha said that the meeting would be in the Feroze Shah Tuglak fort at Delhi, and that it would ***be held on the 8th and 9th September 1928.*** He also told us by what route we could reach Feroze Shah Tuglak Fort. I mentioned to B.K. Sinha that Man Mohan Bannerji and I had no railway fare. He said that we should contrive to come by some means or other, and that on arrival he would give us the railway fare. B.K. Sinha and I then returned to Bettiah. B.K. Sinha returned to the U.P. by the 8 P.M. train of that day.

I then went to the shop of my brother. There I found my brother Manoranjan Ghosh and also the shopkeeper, whose shop confronts my shop, Kapil Dev. They told me that the day before a man had come seeking me and that my brother had told that man that before he could meet me he should get an order from a Magistrate. My brother told me that he had said this to the man because he had suspected him to be a C.I.D. agent. The man in question was B.K.Sinha. My brother and Kapil Dev described the man to me by his attire and his face from which I gathered that the man was B.K.Sinha. When I met Sinha at the Congress Office he also confirmed this fact to me of his visit to my shop.

On the 4th September 1928 by the night train I and Man Mohan Bannerji set out for Allahabad. We both took third class tickets to Muzaffarpur in the first instance and from Muzaffarpur we took third class tickets for Allahabad City. ***This was done with a view to avoid check by the C.I.D. as regards the station from which we had set out. That was the general method we revolutionaries used to adopt. We alighted not at Allahabad city but at Allahabad, Izzat Bridge station.*** That was on the 6th September 1928. We went to J.N. Sanyal's house and met him there. The distance of J.N. Sanyal's house from Izzat Bridge station is approximately four miles. Izzat Bridge station is in the Daragunj Mohalla of Allahabad. The house of J.N. Sanyal is in Colonelgunj Mohalla. During

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the investigation, I pointed out Sanyal's house to a Magistrate of Allahabad. I introduced Man Mohan Bannerji to J.N. Sanyal, accused, whom I yesterday identified in this Court. In reply to my question Sanyal said that B.K. Sinha was a very good revolutionary and that we could work freely with him. I told him that we were going to Delhi at the request of B.K. Sinha to attend the meeting. In reply to my question J.N. Sanyal told me that Shiv Varma was hot tampered. I refer to the Shiv Varma whom I have already mentioned in my evidence as having come to me at Bettiah for a revolver. We stayed with Sanyal for the 6th September and on the 7th September by the 1 P.M. train Man Mohan Bannerji and I left Allahabad for Delhi having taken return week-end tickets. J.N. Sanyal had asked me to return to Allahabad and see him when the Delhi meeting was over. I agreed.

We reached Delhi junction on the morning of the 8th. We went from the station to the Jama Masjid by Tonga. There we left the Tonga and proceeded on foot via the Delhi Gate to Feroze shah Tuglak Fort near the jail. There we first had a meeting with B.K. Sinha. B.K. Sinha said that one (added on reading over "one or two" members) member had not yet arrived. He said the meeting would be the next day. Man Mohan Bannerji and I sat beneath a tree. Kundan Lal alias Partap alias No.1 came and joined us there and B.K. Sinha introduced us to him as members of the revolutionary party. The day before yesterday I went to the jail and saw Kundan Lal there. I also identified him in the court of the Special Magistrate. I also identified him in a parade at Lahore in the presence of another Magistrate. After a short time there passed by in front of us Surendra Nath Pandey and Braham Dutt Misar. I identified S. N. Pandey in the jail day before yesterday and also before that in the court of the Special Magistrate. At some distance from where we were sitting a meeting was going on. **That meeting was attended by Bhagat Singh, Sukhdev, Jai Dev, Braham Dutt, S.N. Pandey, Shiv Varma and Bachchu alias B.K. Sinha. He called himself Bachchu when he came to Bettiah. Bachchu and Shiv Varma came from time to time to where we sat and then rejoined the meeting. It was on that day for the first time that I saw Bhagat Singh, Sukh Dev and Jai Dev.** [Sukhdev's Remark 24: Jai Dev not there.] I was introduced to them on the following day, namely, the 9th. I identified all these three men in the Court of the Special Magistrate and I again identified them the day before yesterday at the Jail. The identification in the jail I made in the presence of a Jail Superintendent except in the case of Bhagat Singh whom I identified in the presence of the Deputy Jail superintendent. My identification of Bhagat Singh was at the Central Jail and the other two at the Borstal Institution. My identification the day before yesterday of B.K.Sinha, Shiv Varma, Kundan Lal and S.N. Pandey also took place at the Borstal institution in the presence of a Jail Superintendent. **The names of S.N.**

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Pandey and Braham Dutt were stated to us by B.K. Sinha and also the fact that they were members of the revolutionary party. [Sukhdev's Remark 25: Wrong...] We remained sitting under a tree till 11 A.M. After that while the meeting was still going on Kundan Lal and I and Man Mohan Bannerji went away. Kundan Lal took us to a man named Pathik who lived at Maharathi Press and was an acquaintance of his. We spent the rest of that day with Pathik. At 8 P.M. we went and had our evening meal at a hotel, namely, I and Man Mohan Bannerji and Kundan Lal. About midday Man Mohan and I also had some puris in the bazaar. I do not know the name of the hotel, but I subsequently pointed it out to a Magistrate of Delhi during the investigation. I pointed out the other places also to the Magistrate, namely, a tree where we sat, the place of meeting and the press.

Next day at 8 A.M. I and Man Mohan Bannerji went to Feroze Shah Tuglak Fort. Kundan Lal arrived there after me. Other had arrived before and at 8 A.M. the meeting began. The meeting was attended by B.K. Sinha, Sukh Dev, Bhagat Singh, **Jay Dev**, Shiv Varma, myself, Man Mohan Bannerji and Kundan Lal. B.K. Sinha made a general introduction of every body to each other. Bhagat Singh and Sukh Dev had come from Punjab, I and Man Mohan Bannerji from Bihar and Shiv Varma, B.K. Sinha had come from U.P. (added on reading over Jai Dev also came from U.P.) Kundan Lal had come from Rajputana. A central committee of seven persons was appointed, namely, Bhagat Singh, Sukh Dev, **B.K.Sinha**, Shiv Varma, myself, Kundan Lal and Chander Shakar Azad who was not present at the meeting. Shiv Varma reported that he visited Bengal and interviewed the members of the Bengal revolutionary Party, and that they had told him that because we were in favour of terrorism they would not join us until we abandoned terrorism from our programme. We then decided that as we were in favour of terrorism, we would not remain with the Bengal Revolutionary Party. ***Sukh Dev was put in charge of Punjab Province*** and Shiv Varma of the U.P. and myself of Bihar and Chander Shakar Azad was made the head of the Military Department and Kundan Lal was given the charge of the Central Office. It was decided that the Central Office should be at Jhansi, and not at Delhi, ***because none of our party belonged to Delhi.*** Bhagat Singh and B.K. Sinha were appointed as links between the provinces. ***(As B.K. Sinha had abandoned his home, Bhagat Singh was also asked to abandon his home)*** [Sukhdev's Remark 26: Denotes a wrong sense.] *and to have his hair and beard and moustaches cut.* ***The persons in charge of provinces were given full powers within their provinces, except that they were to take permission of the central Committee for any action which they wished to take, by action being meant dacoity or murder or terrorism.*** *It was decided that if the central Committee wished action to be taken, the opinion of the Provincial head concerned should first be*

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taken. The Central Committee had full powers in matters pertaining to all India. ***The arms of all the provinces were to remain*** *with the central Committee and provincial heads were to obtain from the Central Committee, any arms required by them for taking action, and after taking such action they were to return the arms to the Central Committee. It was decided that the Central Committee should start a fund of money acquired by committing dacoities, and that full powers of the expenditure should remain with the Central Committee. The custody of the money was to be with the Central Committee. Provincial heads were to obtain money needed by them from the central committee which would be supplied in the event of need. It was also decided that from that day the party should adopt the policy of terrorism, that is,* ***the party founded at Delhi by us at that meeting.***

After I had paid a visit to Meerut and returned to Delhi I met Shiv Varma there who told me that the name **"Hindostan Socialist Republican Army" had been adopted for the party. At the Delhi meeting no name of the party was fixed because we all had different names for our provincial parties, for instance Anusilan party, to which I belonged, and the Hindostan Republican Association which was the name of the U.P. party. It was after my departure on the next day that a common name was adopted.** [Sukhdev's Remark 27: Not true] B.K.Sinha put up a resolution at Delhi meeting that Jagesh Chander Chatterji, a Convict prisoner in the Kakori Dacoity case, who was in the Agra jail, should be rescued at the time of his transfer from that jail. He read out a letter received from Jagesh Chander in the jail in which he had described the hardships of the jail. It was decided that he should be rescued. B.K.Sinha was told to stay at Agra and correspond with Jagesh Chander Chatterji and took out for a suitable opportunity for his rescue. B.K.Sinha told me to ask J.N.Sanyal when I go to Allahabad to write to him (B.K.Sinha) care of Post-Master, Agra. It was also resolved to rescue from jail custody Sachindra Nath Sanyal who was a convict in the Kakori case and confined in the Lucknow jail. He is a brother of J.N.Sanyal. During the meeting Bhagat Singh also suggested that action should be taken against Simon Commission which was coming to India and that by that means our organization would spread in India and our reputation would spread in foreign parts, and that this would be useful if any member had to go abroad. A resolution to this effect was also passed. Bhagat Singh also mentioned that we should need bombs for the action to be taken against the Simon Commission, and that some bomb-makers should be called from Bengal form whom members of our party could learn how to make bombs. He suggested that I should go to Calcutta for this purpose. I Said I could not go then as all my companions had been detained under the Bengal Ordinance. I said that they would probably be released by December 1928, and that by that date I would go to Calcutta when there

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would be Congress taking place there. Bhagat Singh said that he also would be coming to Calcutta at the time of the Congress, and that he and I would look about for some bomb maker together. I gave him the address of Kanwal Nath Tiwari, who at that time was studying in Calcutta at the Vidyasagar College and lived in Arya Samaj Mandir. Shiv Varma then described the revolutionary organization in the U.P. as weak as a result of the disclosures of the approvers in the Kakori Case and said that to improve matters, terrorism should be started in the U.P. A resolution was passed to murder the Kakori Case approvers. This resolution was seconded by B.K.Sinha. It was passed. B.K.Sinha mentioned that we had no funds and suggested the commission of a dacoity to raise money. He suggested that is should be done in Bihar as no action had taken place in that province. I was asked to suggest some place and I proposed Bettiah as a good place. B.K.Sinha asked if I had any house in my mind and I said I had not yet chosen one. I said that within 11 or 12 days Bhagat Singh should come to me at Bettiah, and that he and I would seek a suitable place for dacoity. Bhagat Singh said that he would come to Bettiah *after adopting Bengali dress and cutting his hair, beard and moustache. I told him not to cut his moustache as* ***that would give rise to suspicion*****, it not being the general fashion of those parts.** After that the following party names were assigned to the members:-

Bhagat Singh	Ranjit.
Sukh Dev	Villager.
Man Mohan Bannerji	Khudi Ram.
My name	Dada.
Shiv Varma	Parbhat.
Kundan Lal *alias* No.1	Partap.
Chander Shaker Azad	Pandit Ji or
alias No.2	Mahashe Ji.
B.K.Sinha	
and	I forget the names
Jai Dev	given to these two.

[Sukhdev's Remark 28: Untrue]

During the meeting a chaprasi of the Fort came up to us. He asked what we were doing. Sukhdev and Bhagat Singh replied that we were students and had come there to study. We had with us some books and newspapers. A hawker of parched gram also came there. Form him B.K. Sinha, Bhagat Singh and Sukhdev bought gram. The meeting continued until 4 P.M. Bhagat Singh separated from us there and then. The Delhi Police knew him and he wished to avoid being seen by them. The rest of us went to New Delhi. On the way there Sukhdev said to me that I should have to go and visit the Punjab which I agreed. In New Delhi we went and saw the observatory. Next we bought some sweetmeat from a hawker

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near a water pipe near the Observatory. He was paid by Sukhdev. We then saw the Assembly House and then the Secretariat. Then we came to the tonga Stand. Hiring three Tongas we alighted at the Ajmeeri Gate. The tonga hire was paid by B.K. Sinha. Shiv Varma, Man Mohan Bannerji and I went to the hotel where we had dined on the previous day. We three dined there. Shiv Varma paid for the dinner. Kundan Lal met us there. Kundan Lal, Man Mohan Bannerji and I went from there to the Maharathi Press. Shiv Varma went to the place he was staying in.

During the investigation I showed to a Magistrate the place of the meeting of the 9th of September, 1928, the observatory, the water pipe, the Assembly House, the Secretariat and the hotel where we dined. I also identified the Fort chowkidar before the Delhi Magistrate. The same chowkidar identified me in the court of the special Magistrate. We spent the night of the 9th at the Maharathi Press. On the morning of the 10th, I and Man Mohan Bannerji left for Meerut. I had left my revolver with Joginder Shukal at Muzaffarpur on my way to Calcutta, which I wiched to take back and I had heard in Bihar that he was in Meerut. I wanted it back in order to place it with the Central Committee in accordance with the decision which had been made to that effect. We took third class tickets to Meerut for which I paid. When I asked B.K. Sinha to repay our railway fare to Delhi as he had promised, he said there were no funds. We reached Meerut at 10 or 11 A.M. that day. We proceeded to the Gandhi Ashram, but we did not meet Joginder Shukal. We met the Director of the Ashram named Kirpalani. Khadar is sold at that Ashram. He asked where we had come from. I stated that I had been to Delhi to buy goods. Man Mohan Bannerji and I left Meerut by the evening train that same day. He took a ticket for Ghaziabad. He was to return to Bettiah and he had a return ticket from Delhi to Allahabad. My return ticket I had given to B.K. Sinha at Delhi ***as he wanted it for sale in order to raise funds***. At Meerut I took a Ticket for Delhi in order to visit the Punjab as Sukh Dev had suggested. When Man Mohan Bannerji left me at Ghaziabad, I asked him to convey the message of B.K. Sinha to J.N. Sanyal, Which I have already mentioned in the evidence. I reached Delhi that same evening. ***I went to the Cinema and from there to the Railway Station at about mid night and*** **I slept in the waiting room.** In the morning I went to the Maharathi Press, it having been pre-arranged that some member of the party should meet me there. After waiting for some time I met Shiv Varma there. **It was then that he told me the name which had been given to the party as already stated. ShivVarma and I both took the meals at the Maharathi Press.** [Sukhdev's Remark 29: Wrong] It was prepared by a woman living at the press who seemed to be related to Shiv Varma. At 2 Or 2-30 we went at the station and took tickets for Amritsar for which Shiv Varma paid. I had not visited Amritsar before. We both reached Amritsar next morning, namely, the ***12th.*** We took third class tickets.

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At Amritsar Shiv Varma took me to a house in the bazaar. In the lowest storey of that house there was a shop of aluminum ware. Shiv Varma unlocked the lock of the house. Shiv Varma told me that the upper storey of the house had been taken on rent by the party.

On the following day [Sukhdev's Remark 30: 13.9.1928] ***Sukh Dev came to that house. He had with him two books and a bomb shell. Among the bombs in this box, I pick out Exh. P 11 as the bomb-shell referred to. The books were "Manufacture and Uses of Explosives" and "Small Arms Training." I identify Exh. P/364 and P/28 as those books. Sukh Dev said that he wanted the bomb-shell to be fitted with striker and safety switch in accordance with the Military pattern. After reading the books, I expressed the opinion that a detonator could not be fixed to the bomb-shell by us. I said that after going to Bettiah I would make an effort to find out what material should be placed in the bomb according to the instructions of the book.***

Sukh Dev stayed with us until the evening of the following day and then he parted. He took the bomb-shells away, but left the two books with me. During the visit of Sukh Dev we took our meals at a hotel at Amritsar which I pointed out during the investigation to a Magistrate of Amritsar. After his departure we continued feeding at the same place as long as I was at Amritsar. We used to drink water at well called thandi khuhi near the Ram Bagh. On the day after his arrival Sukh Dev took me and Shiv Varma in the morning to a house surrounded by a garden near an Octroi Post. A young man was practising there with an air pistol. His age was about 25. During the investigation I showed to the Magistrate the house where we stopped, the house in the garden and the thandi khuhi also.

On the day after Sukh Dev's departure Shiv Varma and I went to Lahore in a motor lorry; Sukh Dev having suggested our going there. He made an appointment with us at 4 P.M. at the Zoo. The lorry left in the morning. We alighted at the lorry stand near the station. We met Sukh Dev according to the appointment. We walked about a bit and then Sukh dev told us to go to the Edward Hostel where we would find Kali Charan and stay the night there. He said that he would meet us there in the morning.

Shiv Varma and I started for the Edward Hostel. On the way we bought some sweetmeat near the two Cinema buildings. We came to know from a student in the Hostel that Kali Charan was sleeping on the roof. We both went up on the roof and slept there near Kali Charan. Kali Charan was a member of our revolutionary party. Kali Charan was short statured with dark complexion, with pimpled face, hair cut in English style and aged 20-22. He was not among the accused I saw in the jail day before yesterday or in the Court of the Special Magistrate.

In the morning Sukh Dev came to us as he had promised. He said he had not been able to obtain any money for us and appointed to meet us

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near the two Cinemas in the evening. He went away. In the evening Kali Charan, Shiv Varma and I went to the appointed place. Sukh Dev said that he had collected no money, and that Shiv Varma and I should go to Amritsar, and that he would join us there. So we went by the night train and stopped at the house at which we had previously stopped. I pointed out to the Magistrate the Edward Hostel and the two Cinemas. In those days Shiv Varma was writing articles for the Phansi numbers of the Chand Magazine in Hindi. It is a magazine published at Allahabad. He said that the editor had promised to pay him Rs.2 per column. On the day after we got back to Amritsar Bhagat Singh arrived. He brought with him some issues of the Kirti Risala in Urdu and also articles about and photos of the executed revolutionaries. These he had written himself. He left these with Shiv Varma. He said that he was going to the United Provinces and would meet me at Bettiah. I again reminded him to come in Bengalee dress, but not to shave his moustache. Bhagat Singh went away in the evening and next day Sukh Dev came. He handed me Rs.20. He stayed for a night there. Next morning I took a third class ticket at Amritsar for Allahabad. I arrived there next day. **I went to J.N. Sanyal's house. He asked me about the Delhi proceedings, but as Bijoy Kumar Sinha *had told me not to recount them to him. I told him nothing.*** [Sukhdev's Remark 31: J.N. Sanyal's position in the party. See page 74 - (Statement of Phaninder Nath Ghosh dated 17.5.1930 concluding page) and page 200 Statement of Lalit Kumar Mukerji - dated 30.5.1930 the concluding page.] He asked me why he had not been summoned to the meeting at Delhi and I said I did not know. I left Allahabad for Bettiah by the evening train. ***(Bhagat Singh did not come to Bettiah on the 20th or 21st of September as arranged).*** [Sukhdev's Remark 32: Due to lack of funds.] Four or five days later I went to the Local Board Office with Man Mohan Bannerji. In the afternoon I saw a man looking like Bhagat Singh, accompanied by another man in an ekka going towards the Bettiah town. I sent Man Mohan Bannerji on a cycle after them to tell the man if it was Bhagat Singh to stay at the Sant Ghat Garden, and that I would meet him there in the evening. He went and on his return reported that it was Bhagat Singh, and that he had given the message. Man Mohan Bannerji left the Local Board office two hours later for the Sant Ghat and I went there in the evening. On arrival I found Man Mohan Bannerji, Bhagat Singh and another man there. (Man Mohan Bannerji having been brought in Court). I identify the man now brought in Court to be Man Mohan Bannerji. Bhagat Singh was wearing Bengalee dress and had his hair cut short and beard shaved. Bhagat Singh said that the man with him was Chander Shekar, Azad, who had been made a member of the Central Committee at Delhi and put in Charge of the Military Department. This man was of medium height, had pock marks on his face and had a dark complexion. Bhagat Singh said that they had come ready to commit a dacoity, and that he had left two

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men with arms at the Muzafarpur, Dharamsala, one of whom was an M.A. student and the other a Maharastri. When I went to Agra I learnt that this Maharastri was Raghu Nath. These are the two names by which I know him. I identified him day before yesterday at the jail. I also identified him in the Court of the Special Magistrate. I had also identified him at a parade before a Lahore Magistrate. I said that it had been arranged at Delhi that, on Bhagat Singh's arrival, a place should be selected for dacoity, and that as Bhagat Singh had not come, no place had been fixed. Upon that Chander Shekar, Azad, became annoyed with Bhagat Singh and said that nothing would be done in that way, and that he had come uselessly. I said I would send Man Mohan Bannerji to Muzaffarpur for arms to Jogindar Shukal, and that Bhagat Singh should go there with Man Mohan Bannerji and seek a place for committing dacoity, while Chandar Shekar Azad and I should stay behind and seek a place for dacoity at Betiah. This was agreed to. Bhagat Singh said he would go to Joginder Shukal to get two or three revolvers which Tarak Nath had given to Jogindar Shukal. We all went off in the direction of Man Mohan Bannerji's house at Beria. We stayed half a mile from the house and he brought us food. He was accompanied by a tenant who had a lantern. It was 8 or 9 P.M. I then told Man Mohan Bannerji that Chandar Shekar Azad, should be taken to the house of Babu Ram of Balwa Rampur. I told Chandar Shekar Azad, to meet me at the Sant Ghat next morning. Bhagat Singh and I went to Beftiah and Man Mohan bannerji went off to his home. Bhagat Singh and Man Mohan were to meet at the station at 12 O'clock. Bhagat Singh went to the station and I went to my house.

I met Chandar Shekar, Azad, at the Sant Ghat next morning. (We looked at the shops of the Marwaris in the bazaar with a view to action). He did not approve of them for that purpose. We arranged to meet next afternoon in the Udepur jungle. Next day on my way to the Udepur jungle, I met Man Mohan Bannerji, Bhagat Singh and Jogindar Shukal. Man Mohan Bannerji said they had found no place for action. We all went to the Udepur jungle. Chandar Shekar, Azad, also came there. It was decided finally that action should be taken at Muzaffarpur, and that this should be arranged before hand by Bhagat Singh and Jogindar Shukal. It was also decided that Chandar Shekar, Azad, should remain at Betiah in the meantime. Jogindar Shukal said he had given the revolver and three cartridges to Bhagat Singh. Bhagat Singh admitted this and also said that he had received from Jogindar Shukal the revolver given by Tarak Nath. I do not find the revolver with three cartridges here in Court. Bhagat Singh said he had sent all these arms to Agra by the hand of the M.A. student who was staying in the Dharamsala at Muzaffarpur as they were required for the rescue of Jogesh Chandar Chatterji. Bhagat Singh and Jogindar Shukal left that evening for Muzaffarpur. Chandar Shekar, Azad, went to stay with Babu Ram. Next day I went to Calcutta by the morning train. I

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returned after five or six days. Man Mohan Bannerji said he had received no news from Muzaffarpur. Bhagat Singh and Chandar Shekar, Azad, came to me six or seven days later and said that action was to be taken at a place near Hajipur and Sohanpur in the district of Muzaffarpur. I then made over to Bhagat Singh the revolver which I had got back from Man Mohan Bannerji, being one of those which I had acquired from Barindro Nath Bhattacharya. ***Exh. P/122 is that revolver. Later when I came to Agra I used to see this revolver, Exh. P/122 in the possession of Sukh Dev. The revolver, which had been with Jogindar Shukal and was given to Bhagat Singh was six chambered and of the same-bore as Exh. P/122. The safety catch on Exh. P/122 is on the top,*** **but that of the other revolver was on the side.** That other revolver I also saw in the possession of Chandar Shekar Azad at Agra. These events happened in October 1928. (Braham Dat Misar having been brought in Court). I identify this man as Braham Dat Misar. He was present at the Delhi meeting on the 8th September 1928. That was the first occasion I saw him.

17th May, 1930 J. COLDSTREAM.

P.W.3.-Phonindra Nath Ghosh (approver), continued on S.A:—

On the 19th December, 1928, I and Man Mohan Bannerji and 20 or 25 members of the Bettiah Congress left to attend the Calcutta Congress. We reached Calcutta on the 21st. We first went to the Arya Samaj Mandir at No.19, Cornwallis Street. There I met Kanwal Nath Tiwari, an accused, in this case, and the man whom I had initiated in the party. On the 15th of this month I identified him at the Borstal Institution in the presence of the Superintendent. I also identified him in the Court of the Special Magistrate.

Next day I went to the house of my maternal uncle Hari Mohan Ghosh in Anand Pali Street. For my companions I asked my uncle to arrange through Satya Charan his brother-in-law for accommodation in Kailash Balika Vidyala. This was arranged. It was after two or three days that at the Arya Samaj Pandal I met Kanwal Nath, Tiwari. Pandal is the place where the Arya Samaj holds their meetings. It is near the Congress Pandal. He told me that one Ranjit wanted to see me next day in the evening at 8 P.M. at the Arya Samaj Pandal. On the occasion mentioned I went to the place and met Ranjit who is also called Bhagat Singh, accused in this case. When I was at Delhi, I had told Bhagat Singh the address of Kanwal Nath, Tiwari and that he could communicate with him through him. Bhagat Singh was wearing Bengali clothes with dhoti. I identify Exh. P/187 as his coat and Exh. P/724 as his stockings. I also saw this coat at Agra when B.K.Sinha was taking it to Jhansi to leave it with Azad. Bhagat Singh was wearing the same pair of stockings when he went from Agra to Delhi for action in the Assembly. B.K.Sinha afterwards

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told me he had left the coat with Azad. With the stockings I also identified the garters of Bhagat Singh, Exh. P/724-A. **Bhagat Singh then stated to me that he and his party had committed the murder of Mr. Saunders. On my enquiry, he told me that the Central Committee had approved of this. I asked why I had not been invited to join. He said that as I was at a distance and could not be sent information in time he had persuaded the Central Committee not to call me and that he had undertaken to obtain my consent. As regards action in Bihar, he told me that Joginder Shukal had forbidden it.** [Sukhdev's Remark 33: Then (about 25.12.1928). Anyhow actions are more necessary than the consent of each and everybody, which in general cases is not possible.] I then showed Bhagat Singh the Kailash Balika Vidyala where our party was staying and told him to come and see me any day after 8 P.M. He came and saw me there the next day. He asked me if I had found a bomb maker or not. I said "No". He said, "Do so quickly". He went away. About two days later, he again met me there. He told me that Jai Chand Vidya Alankar had promised to introduce a bomb-maker to him. I met Jai Chand the same day myself and talked with him. In the evening I had a conversation with Bhagat Singh in which I told him that Jai Chand had told me that he had promised a Punjab revolutionary to find a bomb maker for him and that after teaching the Punjab revolutionary bomb making the Punjab revolutionary would be introduced by him to me and would teach me bomb making. Bhagat Singh then mentioned having met Jai Chand.

Two or three days later I again met Bhagat Singh. He told me that Jai Chand had not introduced him to a bomb maker and that a time and place had been fixed but that he (Bhagat Singh) could not attend. Bhagat Singh said that Jai Chand had given him the address of Jitindra Nath Das as a bomb maker. This man subsequently taught us bomb making at Agra. He was an accused in this case but is dead. Bhagat Singh said he could not arrange to meet Jitindra Nath Das as he had to leave that day. He, Bhagat Singh gave me the address of Jitindra Nath Das. I gave Bhagat Singh my watch as a gift. I identify Exh. P/238 as that watch. Bhagat Singh took this watch with him when he went to Delhi for action. He left Agra for Delhi in my presence. I saw the watch with him then. He also had a pistol with him on that occasion. ***At Calcutta also I saw a pistol in his possession. I identify Exh. P/480 as that pistol.*** **He also had a book of which the title was "Istri aur Purash".** He used to keep the pistol in his side pocket behind the book. I identify Exh. P.359 as that book. I saw the same pistol in his possession at Agra when he left for Delhi.

When he left Calcutta, Bhagat Singh asked me to attend a meeting on the 25th of January, 1929 at Agra. He said that I should come on the 16th of January and bring Man Mohan Bannerji and J.N. Das to Agra with me. He said he would receive us at St.John's Library or the Dharamsala near the Agra City Station. He also gave me an address in Agra as the

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post box of himself, B.K. Dutt and Shiv Varma. That address being "Udai Parkash, care of Dr. Ajodhya Nath, Raja ki Mandi, Agra (PW 372)." He gave me Rs.75 for expenses. Two or three days later I went to see J.N. Das at the house of Binoy Rai Chowdhry at Bhawanipur. The chit of J.N. Das address given to me by Bhagat Singh mentioned Bhawanipur. While I was talking with Binoy Rai Chowdhary, J.N. Das arrived at his house. I told J.N. Das all the matters concerning Jai Chand, Vidhya Alankar Das and about the Punjab revolutionary and he then had confidence in me. J.N. Das promised to teach us bomb making, but when I said he would have to go out of Calcutta, he said he would reply about that in three or four days time. I gave him my uncle's address and I returned from there. I wrote to Man Mohan Bannerji to join me at Calcutta by the 16th of January. Up to the 20th I did not meet J.N. Das. On the 20th Man Mohan Bannerji came to me at Calcutta. He and I set out for Agra on the 22nd January by Sealdah Express, taking third class tickets. We reached Agra Fort at 8A.M. on the 24th January. We got down at Agra fort Station. I had forgotten the instructions to go to the Dharamsala near the Agra City Station. He and I stopped in a Dharamsala near the Agra Fort Station. On 24th and 25th we met nobody. We left the Dharamsala on the evening of the 25th and set out from Agra City Station, I for Allahabad and Man Mohan Bannerji for Asansol.

At the Agra Dharamsala the keeper recorded in his register a false name that I gave him, namely, Baroda Parshad, son of Bimla Parshad, resident of Muzaffarpur. He wrote my description. I signed the book as Baroda Parshad. I identify the register, Exh. P/C/O and the signature P.C.O. /1. My nose is pierced for a ring.

By Court,—I gave an untruthful name according to the rules of our party.

Examination-in-chief continued.- I have now written the name "Baroda Parshad" in the presence of the Court in Exh. P.C.O./1-A. In the register I began to write a capital "P" which is the first letter of my ordinary name and then turned it into a capital "B" remembering the false name.

At Allahabad I went to the house of J.N. Sanyal, accused in this case. There I met J.N. Das whom I had previously seen at Binoy Rai Chowdhry's house in Bhawanipur. This was on the 26th of January, 1929. J.N. Sanyal asked J.N. Das to teach us bomb making. J.N. Das agreed, but said that as he could not come again and again it would be better if he taught some science student the art and that the latter would teach us or if he could not J.N. Das would come himself. J.N. Sanyal gave me the address of Ajoy Kumar Ghosh (accused) at the MacDonald Hindu Hostel, Allahabad. He was a B.Sc. student of Cawnpur at the Muir College, Allahabad. His room No. at the hostel is 18, on the lower floor. J.N. Sanyal gave me a letter to him. I read the letter which stated in Bengali that the

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addressee had to do what the bearer of the letter asked him to do. I delivered the letter to Ajoy Kumar Ghosh. On the 15th of this month I identified Ajoy Kumar Ghosh at the Borstal Institution in the Superintendent's presence. I also identified him in the Special Magistrate's Court. I pointed out that room No.18 subsequently to a Magistrate during the investigation. I also pointed out the Agra Fort Dharamsala to a Magistrate of Agra.

(Prosecutor asks for the production in Court of Ajoy Kumar Ghosh. Order reserved, examination should proceed.)

I told Ajoy Kumar Ghosh that J.N. Sanyal wanted Lalit Kumar Mukerjee, an M.Sc. student, to come to him. Ajoy Kumar Ghosh said he will send him. I went back to J.N. Sanyal.

Next morning J.N. Das began to dictate J.N. Sanyal the method of making bombs and the apparatus and material required. During this dictation Lalit Kumar Mukerjee arrived. Subsequently at Lahore Lalit Kumar Mukerjee identified me before a Magistrate in a parade. On Lalit Kumar Mukerjee's arrival J.N. Sanyal handed over to him his note book in which he was making those notes. J.N. Das then dictated to Lalit Kumar Mukerjee the process of making Picric Acid, Mercury fulminated Gun cotton, Ammonia Picrate and the name of the apparatus. J.N. Sanyal then asked me to purchase some acids from Calcutta and to bring them when required. J.N. Das and I left for Calcutta the same day by the Sealdah Express. Lalit Kumar Mukerjee went to his home. This was on 27th of January.

I went to my uncle's house at Calcutta and J.N. Das went to Bhowanipur to his house. Two days later Bhagat Singh, accused came to my uncle's house at about 8 A.M. At that time my cousin Byom Kesh Ghosh and my nephew Chander Shekhar Ghosh were reading there.

They saw Bhagat Singh. I told Bhagat Singh details of my visit to Allahabad and Agra and about my meeting J.N. Das at Bhawanipur and Allahabad including the dictation about bomb making at Snayal's house. I told him that I had forgotten to go to the Agra City Dharamsala. Bhagat Singh asked me to introduce him to J.N. Das. Next day I effected the introduction after making an appointment near the Pearl Cinema. While I and Bhagat Singh were standing there waiting for J.N. Das my cousin Balai Lal Ghosh who works at the Dharamtalla Post Office passed by. He saw us and asked if we were going to the cinema and I said we had only come for a walk. Next J.N. Das turned up and I introduced him though it then transpired that they knew each other before.

I had told J.N. Das about Bhagat Singh's arrival when I went to see him at the Inder Narain Road library in Calcutta. I pointed out this place during investigation to a magistrate. After the introduction we three went to a park. I also pointed out that park to a magistrate during investigation.

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Bhagat Singh told J.N. Das that he had organised the Hindustan Socialist Republican Army, and that the members of that association, in order to take action, required to learn bomb making. J.N. Das undertook to teach them bomb making and promised to give me two bomb shells.Bhagat Singh said J.N. Das would have to go to Agra for that purpose. J.N. Das mentioned that, as it was winter season, ice would not be procurable at Agra but could be had at Calcutta, and that preparation of guncotton should, therefore, take place at Calcutta. J.N. Das asked me to look for a suitable place for making gun-cotton. I selected a room on the upper most storey of the Arya Samaj Mandir in which room Kanwal Nath, Tewari, who is an accused in this case, was then residing. It was a secluded room. I said I would first enquire from Kanwal Nath, Tewari, J.N. Das asked Bhagat Singh where Kundan Lal was. Bhagat Singh replied that Kundan lal had taken opium and gone away to Cawnpur in a fit of anger. Bhagat Singh told J.N. Das that Chander Shekar Azad was in Agra, and that he could meet him there if he went.

Next morning I went to Kanwal Nath, Tewari in the Arya Samaj Mandir. I told him all about the proposal to make gun cotton in his room and he agreed. He added that he would also learn gun cotton making. In the afternoon J.N. Das and Bhagat Singh came to me at my uncle's house. J.N. Das dictated to me the list of the apparatus and the materials required for bomb making. Bhagat Singh gave me Rs. 50 for the purchase of these articles. I took that list to Kanwal Nath, Tewari. He and I went to Bond field Lane in which there are several Chemists' shops. During three or four days we purchased those articles from the shops in that lane and from two shops near the College Square. I showed all these shops to a Calcutta magistrate during investigation. To avoid suspicion we did not purchase all the articles from one shop. We paid cash and every shop-keeper gave us cash memos. We deposited the purchased articles with Kanwal Nath, Tewari, at Nos. 19 and 20, Cornwallis Street in the Arya Samaj Mandir. Kanwal Nath, Tewari also had a room in No.20.

On the fourth day Bhagat Singh came to the Arya Samaj Mandir and also on the fourth day I went to Bango Basi College and fetched J.N. Das from there. On my way back J.N. Das handed me the two bomb-shells. They were like Ex. P/5. We went to the Arya Samaj Mandir, Bhagat Singh and Kanwal Nath, Tewari were already there. I handed the two bomb-shells to Bhagat Singh. Kanwal Nath, Tewari, had brought half a mound of ice. The articles stored in room No. 20 were removed to No.19. J.N. Das began to make a gun-cotton and I, Bhagat Singh and Kanwal Nath, Tewari began to learn how to do it. While the gun-cotton was being made Tulsi, Jamadar, came upstairs with a pill. He also used to see us coming and going. I put the gun-cotton, when it was made, in my pocket in moist condition.

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Among the articles purchased by me I identify measuring glasses, Ex. P/675 and Ex. P/700, Ex. P.700 was later taken by Bhagat Singh from Calcutta to Agra in my presence from where it was taken to Saharanpur by Doctor Nigham, an accused in this case. I saw him take it.

I also bought these four glass rods, Ex. P/709, P/ 697, P/697-A and P. 697-B. These four were taken by Bhagat Singh later to Agra and Doctor Nigham also took them to Saharanpur.

One of these two C.C. measure glasses, Ex. P/695 or Ex. P/695 A was also bought by me. The same glass was taken by Bhagat singh to Agra and by Doctor Nigham to Shahranpur.

I bought acid in a bottle like Exh. P.713. The bottle I bought was taken later by Bhagat Singh to Agra and Doctor Nigham took it to Saharanpur.

I also bought this centigrade thermometer, Ex. P. 698. Bhagat Singh took it to Agra and Doctor Nigham also took it to Saharanpur.

I bought these six enamelled bowls, Exs. P-693, P.693-A, P. 693-B, P. 693-C, P.692 and P. 692-A. I myself took these to Agra. They are stained with coloured picric acid. Shiv Varma took all these from Agra to Saharanpur.

Exhibits P. 694-A, P. 694-B and P. 694-C are three pairs of rubber gloves out of the four which I bought at Calcutta. Ex. P. 694 is a tin of French chalk bought by Shiv Varma at Agra according to the chit I gave him. The rubber gloves were taken by me to Agra.

Exhibits P.674 is a box in which ice was kept for making gun-cotton. It was lying in the house of Kamal Nath Tewari.

Exhibits P. 387 and P. 405 are the two books which Bhagat Singh bought in Calcutta in my presence during the gun-cotton making days. He took them to Agra with him. Shiv Varma took them from Agra to Saharanpur.

Bhagat Singh told J.N. Das that when he would call him to Agra for bomb making he would let him know through me. He also said that I would give J.N. Das his railway fare to Agra.

One of the shop-keepers in the Bondfield Lane asked Kanwal Nath, Tewari, why he wanted these articles. Kanwal Nath replied that they were required for chemical purposes and that he lived in Hazari Bagh. Bhagat Singh took away all the articles I have already mentioned and also the acid and other articles to where he lived. J.N.Das also went away and said he would meet me in a few days at my uncle's house. The remaining articles remained in the possession of Kanwal Nath, Tewari.

Next day Bhagat Singh came to my uncle's house and gave me Rs. 10 as my railway fare and Rs. 15 for that of J.N.Das to Agra. He said that we should both come to Agra by Basant Panchmi. The bomb-shells were

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also taken away by Bhagat Singh. Bhagat Singh gave me the same instructions for meeting him at Agra as on the previous occasion. Two days later J.N.Das came to me. I gave him Rs. 15 according to the instructions of Bhagat Singh. It was agreed that I should leave for Agra on the 11th February and J.N.Das on the 12th February 1929.

On the 11th February 1929, I left by the Sealdah Express taking with me the remaining articles which had been kept by Kanwal Nath, Tewari namely, the articles already mentioned, some chemicals and the gun-cotton we had prepared. I reached Agra at 3 A.M. on the 13th February, 1929. I travelled third class. Engaging a coolie at the Agra Fort Station I went to the Dharamsala near the Agra City Station. **On the *morning of the 13th* the Dharamsala** keeper registered my name. Ex. P.C.O./2 is the register and Ex. P.C.O./3 is the entry about me. I gave a false name to the Dharamsala keeper. The translation of the entry runs as follows:--

Roll No.	267
Date of arrival	***12th February, 1929***
Name	Balmokand.
Son of	Kanwal Nath.
Caste	Kayasth.
Resident of	Bara Bazaar, Calcutta.
	Going back to Delhi on business

Date of departure 13th February, 1929. I identify my signature in English in the name of Balmokand on the entry. Balmokand is the false name that I gave. My name was registered about 8 A.M. After that I went to St. John Library. Near the Agra City Station I met Bhagat Singh, accused. After collecting my luggage at the Dharamsala we went to a house in Hing Ki Mandi. Bhagat Singh was on a cycle and I on an ekka. We reached that house 9 A.M. on the 13th February. On arrival I found there Lalit Kumar Mukerjee whom I had previously seen at J.N.Sanyal's house at Allahabad. (Lalit Kumar Mukerjee having been brought into Court) I identify this man here in Court as Lalit Kumar Mukerjee. I also found there Bijoy Kumar Sinha, accused and Shiv Varma, accused. After my arrival there came a Maharastri named Sada Shiv. In the evening *Sukh Dev*, an accused in this case, also came, bringing a blanket with him. I identify, Ex. P.539, as the same blanket. I handed over the articles that I brought to Bhagat Singh. I saw in that house the articles which Bhagat Singh had brought from Calcutta. I told Bhagat Singh that J.N.Das would arrive next day. I made over for purchase to Shiv Varma a list of articles required for bomb-making which had been dictated to me by J.N.Das at my uncle's house in Calcutta. Shiv Varma brought those articles. I identify some of those articles here in Court, namely, the bucket, Ex. P 316 which is stained with picric acid. (Shiv Varma later took it to Saharanpur); wire gauze, Ex. P. 686 (Shiv Varma later took it to

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Saharanpur); red paper like Ex. P. 431 used for making bomb caps; iron piece, Ex. P. 687 used for making bomb clips (Shiv Varma later took it to Saharanpur); tin, Ex. P. 727 containing methylated spirit used for making fulminated mercury (Shiv Varma later took it to Saharanpur); jar, Ex P. 703, and jar, Ex. P. 703-A (these were later taken to Saharanpur by Shiv Varma).

19th May, 1930. J. COLDSTREAM.

P.W.3.-Phonindra Nath Ghosh (approver) continues on S.A.:-

In addition to the articles I have identified Sheo Varma also bought an oil cloth, an empty cigarette tin, iron nails, iron wire, copper wire and gloy. The latter was required for making bomb caps and the cigarette tin was for use as a shell for making a bomb. Such bombs are known as ***cigarette tin bombs.*** The copper wire is required for making bomb-striker. White paper was bought for cap making.

In the Bondfield lane and the College Square, Calcutta, we had bought various articles which I have already identified in Court, and in addition to them we had also bought the following chemicals for bomb-making :-

10 pounds of sulphuric acid in ***one*** bottle.
12 pounds of nitric acid, namely, two pounds on one day and two bottles of five pounds each on an other occasion.
3 pounds of carbolic acid, two pounds one time and one pound another.
One pound of sulphur.
One pound of red phosphorus.
One pound red sulphite.
One pound chloro potash.
Two tolas of mercury.

By the Court.-I could have mentioned these articles yesterday, but was not questioned about them. Bhagat Singh provided the money, namely Rs.50 by which I bought these articles. This I stated yesterday also.

(Note.-At this stage, the Prosecutor explained that yesterday he questioned the witness only regarding the articles exhibited in Court in order to dispose of all those articles first and left questions regarding other articles not exhibited in Court until those exhibited in court were disposed of.)

Examination-in-chief continues.—On the 13th of February I learnt that the party had taken another house also in Agra City, namely, in Nai ki Mandi, which was occupied by Doctor Nigham, accused, alias Gaya Parshad. I did not know his name before that day. I saw him subsequently

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at the Nai ki Mandi house. I know him now and have identified him at the Borstal Jail on the 15th instant in the presence of the Jail Superintendent. I also identified him in the Court of the Special Magistrate.

On the 13th February Lalit Kumar Mukerjee was lying ill in the Hing Ki Mandi house. Dinner for the members occupying the Nai Ki Mandi house was cooked and taken from the Hing Ki Mandi house. Besides Dr.Nigham others were occupying the Nai ki Mandi house, but I did not see them till later.

On the 14th February Bhagat Singh went to the station to meet J.N.Das and brought him. J.N. Das was dressed in English style. He had a leather bag containing two bottles of ammonium carbonate. This is used for making ammonium picrate, an ingredient of bombs. The bottles resembled Exh. P.714. J.N. Das said he had bought these from the same shops from which we had bought acids and other articles. It was J.N. Das who had given me the address of that shop originally. Bhagat Singh decided that the name of J.N. Das should be "Masterji". I do not remember the name of the shop mentioned by J.N. Das except that the words "Calcutta" and "Chemicals" came into the name. Bhagat Singh said that some articles for bomb making brought by Doctor Nigham to the Nai ki Mandi house had been taken to the Hing ki Mandi house. I identify the articles thus brought to the Hing ki Mandi house as follows:-

Exh. P/719, a pair of scales and grain weights in a small-box.

(The witness puts the scale together in Court)

This was for weighing the materials of the bomb caps. Subsequently, Dr.Nigham took these scales to Saharanpur.

Exh. P/327, A pestle and mortar used for mixing bomb ingredients. It bears stains of picric acid. It was taken by Dr. Nigham later to Saharanpur.

I identify Exh. P/696, a spirit lamp. It is used for warming lac applied inside the bomb-shells to prevent contact between the iron and the picric acid. Otherwise iron picrate would be formed which would explode of its own accord. J.N. Das taught me all this. [Sukhdev's Remark 34: Important.]

I identify Exh. P/699, a glass flask stained with picric acid. Dr. Nigham later took this to Saharanpur.

I identify Exhs. P/691 and P/691-A, two glass funnels used for pouring acid from bottles and taken later by Dr.Nigham to Saharanpur.

Of Exhs. P/695 and P/695-A, I say that one of these two measuring glasses was used for measuring acid and pouring it into the porcelain basin.

I identify Exh. P/690, an apparatus stand, subsequently taken by Dr. Nigham to Saharanpur. We did not actually use it.

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Exh. P/698 is a part of Exh. P/690.

I identify Exhs. P/704 and P/704-A, two glass beakers, used for holding acids and subsequently taken by Dr.Nigham to Saharanpur. When they were used by me they were unbroken.

I identify Exhs. P/792, 792-A, 792-B, 792-C and 792-D, glass test tubes, as being such as we used. Those we used were taken by Dr. Nigham to Saharanpur.

I identify Exh. P/688, a surgical knife but not Exh. P/688 A an oridinary knife. Dr. Nigham took Exh. P/688 to Saharanpur later.

There was also a long glass tube which is not exhibited here in Court among the articles brought from the Nai Ki Mandi house to the Hing Ki Mandi house.

By the Court—When Dr. Nigham took these articles to Saharanpur, I myself handed them over to him and I am able to say from memory what he took. I and others helped him to pack them up at the Nai ki Mandi house to which house they had then been taken back. B.K.Sinha also helped him to pack them up. I do not recollect which articles I packed and which the others packed. Other articles were also packed, namely, books and clothes.

Examination-in-chief (continues).—After midday on the 14th of February we began bomb making. The following members were selected from various provinces to learn bomb making, namely, myself from Bihar. L.K. Mukerji and Sheo Varma from the United Provinces, Bhagat Singh and ***Sukhdev*** from the Punjab and Sada Shiv from ***Jhansi.*** [Sukhdev's Remark 35: Jhansi is also in U.P.] These were the persons present at the time of the bomb making and receiving instruction from J.N. Das. B.K. Sinha used to come occasionally and watch the process. While the process was going on, Chandar Shaker Azad arrived at the Hing ki Mandi house. So far as I know he is an absconder in the case. He saw the process. ***From time to time L.K. Mukerji burnt loban in order that the picric ammonia might not cause bad smell.*** He also used to bring up water in a bucket from time to time. B.K. Sinha also sometimes burnt loban. The preparation went on until 4 or 5 P.M. but did not succeed because a porcelain basin broke. We used 100 C.C. of carbolic acid and our idea was to make as much picrate ammonia as could be made with that amount. When the time came to mix the Ammonia carb, the basin broke. The basin was on a lighted stove. That stove had been brought by L.K. Mukerji with him from Allahabad. When the basin broke, the contents fell on the oil cloth. Bhagat Singh told Sheo Varma to bring a new basin. He brought one there and then. I identify Exh. P/315 as a basin such as he brought. Dr.Nigham subsequently took it to Saharanpur. It was then intact.

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On the same day B.K. Sinha brought information that Jogesh Chandar Chatterji would be transferred from Agra Jail to Lucknow Jail on the 15th by the taufan mail. On the evening of the 14th we held a meeting attended by myself, ***Sukhdev***, B.K. Sinha, Bhagat Singh, Azad and Shiv Varma. It was decided to stop the train and rescue Jogesh Chandar from police custody. The train was to be stopped by pulling the alarm chain on the border of the jungle between Agra and Cawnpur. Members were selected for the rescue party. From the Hing ki Mandi house those selected were-

Sheo Varma, B.K.Sinha, Bhagat Singh, Azad, and Sada Shiv.

From the Nai Ki Mandi house those selected were -

Kailash, alias Bhagwan Das.

B.K. Dutt, whose party name is Mohan, an accused in this case and Raghunath.

I identified B.K. Dutt on the 15th instant in the presence of the Deputy Superintendent of the Jail. I identified Raghu Nath on the 15th instant in the presence of the Jail Superintendent. He is an accused in this case. I now know Raghu Nath and B.K. Dutt. It was decided that some members of the Cawnpore party should also be joined in the action and that the Cawnpore members should come to the jungle where the train was to be stopped with bicycles. **I heard B.K. Sinha mention the name of Pandey in this connection from which I concluded that the persons to be called in *were Brahm Dutt Misar and Surindra Nath Pandey,*** [Sukhdev's Remark 36: Non sense. Merely an attempt to entangle these two.] who are approver and accused, respectively, in this case. These two persons live together at Cawnpur and always associate together. I had seen them together at Delhi. Sheo Varma was deputed to go to Cawnpore and arrange to carry out that proposal. It was also decided that a bomb should be used in this action and J.N.Das was told to prepare a bomb by 4 P.M., the following day. That night fulminated mercury was prepared which is used in making bomb caps. Except L.K. Mukerji all those already named were present when it was prepared. Sheo Varma left for Cawnpore that same day, the 14th.

On the morning of the 15th the mercury was brought down from the roof where it had been prepared and left to crystallize at night. In the morning, J.N. Das washed it and put its crystals into a bottle containing water. J.N. Das fixed a striker to the bomb shell and made caps. He made picric acid and mixed it with chloro potash and put the mixture into the bomb shell. He put the gun-cotton brought by me from Calcutta to act as a fuse. The first two attempts to make picrate ammonia did not succeed but it was made the third time. On the second occosion we used a new stove brought by B.K.Sinha. The third attempt which was to make picric acid was successful. I identify Exh. P. 324 as a stove such as the new one

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used. It is stained with picric acid. The old stove brought by L.K. Mukerji did not heat properly. J.N. Das put the picric acid in the bomb-shell with chloro potash. One bomb was made. Picric acid is a yellow crystal. L.K. Mukerji was not present when the caps were made on the 15th of February but he was present when the picric acid was made and when the bomb was filled. Bhagat Singh, ***Sukhdev,*** Sada Shiv and myself were present throughout the whole process. B.K.Sinha used to come and go. Chandar Shaker Azad, was present in the house and used to come now and then.

There was some talk between Bhagat Singh and L.K. Mukerji about propaganda work that day. Bhagat Singh opposed it; L.K. Mukerji favoured it. [Sukhdev's Remark 37: Wrongly interpreted. He was detained until the party returned.] L.K. Mukerji returned to Allahabad as he was not to take part in the action. At 6 P.M. B.K. Sinha brought information that Jogesh Chandar Chatterji would not be moved that day but on the following day. For that reason J.N. Dass did not go away. This was on the 15th February.

On the 16th February J.N. Dass made some more ammonium picrate. I, Bhagat Singh and *Sukhdev* took part in that process. B.K. Sinha used to bring information from a Jail warder regarding Jogesh Chandar Chatterji. I do not know the Warder's name. That is what B.K. Sinha told me and what he was deputed to do. On the 16th B.K. Dutt was deputed to stay all day at Agra city station and ascertain by what train Jogesh Chandar was being taken. At 6 P.M. B.K. Dutt brought news that Jogesh Chandar Chatterji had been taken by the 5.30 P.M. train for Lucknow. I refer to B.K. Dutt an accused in this case. On the 15th instant I identified him in the Central Jail in the presence of the Deputy Superintendent. I also picked him out in the Special Magistrate's Court. We then held a meeting attended by Shiv Varma, who had returned from Cawnpur that morning, Bhagat Singh, **Sukhdev**, B.K. Sinha, myself and Chandar Shaker Azad. As no train was leaving Cawnpur for Lucknow at night but only at 8 A.M. and as Jogesh Chandar Chatterji would therefore be kept at night in the Cawnpur police lock-up, it was decided that we should attack that lock-up and rescue him. The same persons were deputed for this exploit, as those who had already been chosen for the train exploit. **Sukhdev** and I were instructed that in case of the arrest of the members deputed for action we should carry on revolutionary work in their absence. Bhagat Singh also said that the resolution passed at Delhi to throw a bomb at the Simon Commission should be carried out and failing that the bomb should be thrown on the Government benches in the Assembly Hall. He also said that Jai Dev had been left on behalf of the party at Delhi to watch the Assembly proceedings including the Trade Dispute Bill and the Public Safety Bill. For all this revolutionary propaganda Azad gave me Rs.100 out of which I gave Rs. 20 to J.N. Das as railway fare. He left by

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the taufan mail on the night of the 16th. The rescue party of Jogesh Chandar went by the same taufan mail. I retained Rs. 80. When we learnt that Jogesh Chandar would not pass on the night of the 15th, it was decided to send one member to turn back those who were coming on cycles from Cawnpur and also to make a signal by a lighted torch from the train so that those standing in the jungle would understand that Jogesh Chandar Chatterji was not on the train. I did not learn who was sent on this job. The rescue party left on the 16th at 8.30 P.M. by the taufan mail. The party was composed of those men who had been selected on the 14th. Each-member of the party took with him arms, namely, either revolver or pistol. The revolvers, Exhs. P/200, P/202 and P/122 and **the pistol Exh. P/480** which I identify here in Court were amongst those taken by the party. I cannot say who took which. Azad in addition to a pistol or a revolver took with him a live bomb which J.N.Das had prepared on the 15th. The party also took three torch lights. I identify Exhs. P/710, P/710-A, P/710-B as those torch lights. They also took two iron files which I identify as Exhs. P/682 and P/682-A and, two chisels, Exhs. P/680 and 680A. They took two hammers of which I identify Exh. P/681 as one. They took the fret saw, Exh. P/679 and P/679 A for cutting iron. They also took the two anvils Exh. P/678 and P/678 A which I identify. These implements were taken to cut the bar fetters and the jail bars. All these articles were later taken by Sheo Varma to Saharanpur. They had been obtained and kept in readiness for the rescue of Jogesh Chander Chatterji prior to the 16th February.

I do not know where they had been obtained from. Nor do I know in possession of which member they had remained. They belonged to the party.

After their departure **Sukhdev** and I locked the Hing ki Mandi house and went to the Nai ki Mandi house. There we met Dr.Nigham who is an accused person in this case and whom I identified on the 15th instant at the Borstal Jail in the presence of the Superintendent and whom I also identified in the Court of the Special Magistrate. I met him that day for the first time, viz, 16th February.

I identify Exhs. P/689, P/689-A and P.689-B as three bores for making holes in bomb striker and which were seen by me in use in the Hing ki Mandi house. I identify Exhs. P/685 and P/685-A and P/685-E as pliers which were used in the Hing ki Mandi house to bend strikers. These and the bores were later taken to Saharanpur by Sheo Varma. I packed them up and gave them to him to take. Exh. P/683 is an iron cutter which I saw in use in the Hing ki Mandi house. Sheo Varma later took it to Saharanpur. Exh. P/300 is a cooking pan such as was also used there and was later taken to Saharanpur. Exh. P/288 is the khaddar coat stained with picric acid used indiscriminately by members of the party in the Hing ki Mandi

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house. Sheo Varma took it later to Saharanpur. Exh. P/209 is a bed spread belonging to the party. I saw it in the Hing ki Mandi house. Sheo Varma took it to Saharanpur. Exh. P/681 is a screw-driver which was at the Hing ki Mandi house, Sheo Varma took it to Saharanpur. I, Sheo Varma and B.K. Sinha packed these articles.

On the next day, the 17th February 1929, some of the rescue party for Jogesh Chandar Chatterjee returned to Agra, namely, Bhagat Singh, Chandar Shekar Azad, Kailash and Sada Shiv. That was the first time I met Kailash. I asked Chandar Shekar Azad why action had not been taken. He replied that the Cawnpore Railway Station police lock-up was strongly built and well-guarded and also that the Cawnpore members had not arrived in time. Chandar Shekar Azad said that his pocket had been picked and Rs.50 and his motor license taken away. Bhagat Singh told Sukh Dev to go to Lahore and take with him the second bomb-shell which J.N.Das had given to us with a view to other bomb-shells of the same pattern being made there and sent to Agra. As funds were needed for that, Chandar Shekar Azad asked each member to give what he had. All the members gave something and I gave Rs. 70, namely, the Rs. 80 left with me less Rs.10 given to Doctor Nigham for current expenses. In this manner Rs.150 was collected out of which Rs.50 was given to ***Sukh Dev who set out for Lahore that night.*** [Sukhdev's Remark: 17-02-1929.]

At Different times on the 18th B.K. Dutt, Sheo Varma and Raghu Nath, accused persons returned from Cawnpore. That was when I first met B.K. Dutt and Raghu Nath. We used to converse with Raghu Nath in Hindustani, that is to say, Urdu. ***He could speak it very well,*** having spent a long time at Benares where he was educated. He did not speak to us in Maharshtri or Marhati. He did not talk English to us. The same day Chandar Shaker Azad went about the United Provinces to fetch money and Sheo Varma left for Cawnpur for the same purpose. Sada Shiv went to Jhansi. I was a member of the Central Committee and, as such, I had to know all these affairs and my opinion was taken by them all. Kailash also went away to the place where he was studying.

Bhagat Singh, Raghu Nath, Doctor Nigham, B.K. Dutt and I remained in the Nai ki Mandi house. Bhagat Singh and I used to go regularly for two or three days to the Hing ki Mandi house to prepare bomb materials. *Bhagat Singh told me that, on the day after the* ***Saunders' murder, he and Chandar Shekar Azad had gone to the house of Dina Nath to kill him, and that, when he had called out the name of Dina Nath, his father had come out and told them that Dina Nath was not there. Dina Nath was an approver in the Lahore Conspiracy or Ghadar Party Case.*** [Sukhdev's Remark 38: Wrong.]

On the third day Bijoy Kumar Sinha returned from Cawnpore. Chandar Shaker Azad also returned, saying he had obtained no money.

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Bijoy Kumar Sinha, Bhagat Singh, Chandar Shaker Azad and I held a meeting. It was decided that one batch should go to ***Nagpur*** to attack the Simon Commission, that if this batch failed another should make an attempt on the Commission at ***Delhi***, and that if both batches failed, action should be taken at ***Bombay***. After discussion it was decided, contrary to the opinion of Chandar Shaker Azad, to throw a bomb on the Simon Commission. We considered that an expenditure of Rs. 400 or Rs. 500 would be required for that. Bhagat Singh left for Lahore and Chandar Shekar Azad went about the United Provinces both to get money. B.K. Dutt and I used to go daily to Hing ki Mandi house and used to make materials for bombs there. Doctor Nigham used to bring eatables and chemicals from the bazaar. Bijoy Kumar Sinha told me that before the Delhi meeting his party had stolen Rs. 3,100 out of which S.N.Pandey and Braham Dutt Misra had taken Rs. 100 each and gone towards Indore for revolutionary organization. Four or five days later Bhagat Singh came from Lahore bringing five bomb-shells. They were of the same pattern as Exh. P/89 but had no strikers. ***He said that Sukh Dev had had these bomb shells made at Lahore.***

Chandar Shekar Azad returned bringing Rs. 200. Sheo Varma came back empty handed. Sheo Varma, Bhagat Singh, Chander Shekar Azad, Bijoy Kumar Sinha, B.K. Dutt, Raghu Nath, Doctor Nigham and I filled up those five bomb shells with ammonia picrate prepared by us and by J.N. Das and with Choloro Potash in equal quantity. Bhagat Singh affixed strikers to them. He had bought copper wire for the strikers from the bazaar. Doctor Nigham had bought several rubber corks from the bazzar. Exh. P/676 is one of such ruber corks. They were required for making pulleys for the strikers. They were necessary to ensure that the strikers should fall on a fixed point and not on either side of it. Rubber pulleys were affixed to all five bombs. Complete bombs were like Exh. P/91.

Sheo Varma, Bhagat Singh, Bijoy Kumar Sinha, Chander Shekar Azad and I held a meeting. We decided to cancel the project of attacking the Simon Commission owing to lack of sufficient funds. The project would have involved much travelling. ***It was decided to throw a bomb on the Government Benches at the Assembly. It was decided that B.K. Dutt and Bhagat Singh should take part in that action and also that they should be aided to escape.*** [Sukhdev's Remark 39: Wrong; it was decided later.] It was decided to do this after the Trade Dispute Bill and the Public Safety Bill discussions had ended. Our policy was of terrorism. *We thought that these Bills were unpopular with the public and thus we would gain public sympathy by taking action on that occasion. A scheme was thought out to aid in their escape.*

Sheo Varma proposed that a certain house should be taken on rent at Cawnpore which house belonged to a wealthy man against whom action should be taken.

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It was decided that the scheme to rescue the Assembly bomb throwers should be carried out by Chandar Shekar Azad, Kailash, Sada Shiv and Jai Dev, accused. Chandar Shekar Azad was to drive a hired motor after pushing out the taxi man as soon as the bomb throwers arrived. As Kailash was a good shot, he was to stand by with a revolver in case of need. Jai Dev and Sada Shiv were to retain bicycles near the town so that the bomb throwers could alight there from the car and proceed on cycles through the lanes of the town. Two, live bombs were to be kept in the car in case of an attack on the occupants.

When the rescue party of Jogesh Chandar chatterjee went from Agra to Cawnpore they also took a cycle with them. It was the same cycle on which Bhagat Singh had ridden when he met me near the Dharamsala at Agra.

Bhagat Singh, Chandar Shekar Azad and I left that night for Jhansi taking with us one of the live bombs out of the five we had prepared. We took it in order to test its explosive power, Jhansi being surrounded by hills and jungle. We had intended to make them powerful. We took that bomb in the leather case, Exh. P/206 which I identity here. Cloth was put round inside the case to keep it from shaking. We travelled third class. In the morning we got down at Jhansi station and went to the house of Ram Dulare. He subsequently identified me at a parade. There we met a small boy who was his brother-in-law. Sada Shiv also met us there. Chandar Shekar Azad brought a taxi. Bhagat Singh, Chandar Shekar Azad, Sada Shiv and I entered the taxi taking the bomb and went to the jungle. The taxi driver was a Hindu who identified me at a parade before the Jhansi Magistrate. He had a Ford car and his name was Rama Nand. We covered about 40-42 miles in going and coming. Bhagat Singh, Sada Shiv, Chandar Shekar Azad and I climbed a hillock on the edge of the jungle. The motor remained on the road at some little distance. I subsequently showed that spot to the Jhansi magistrate. Bhagat Singh fitted a cap to the bomb and threw it. It exploded. Bhagat Singh picked up one piece of it which was the only one he found. The branches of a tree were smashed by it. On return to the car Chandar Shekar Azad asked the driver if he had heard any noise. He said he had heard a noise like a loud gun report. We returned to Jhansi in the car to the house of Ram Dulare. On the way we stopped at an embankment which I later showed to the magistrate. Some persons saw us there. We also saw a congressman who knew Chandar Shekar Azad. Chandar Shekar Azad learnt motor driving at Jhansi and obtained a driving license from the Jhansi Superintendent.

Next morning Bhagat Singh and I went to the station to go to Agra. Sada Shiv came to the station on the bicycle which Chandar Shekar Azad had sent for us. Sada Shiv booked the bicycle to Agra, Raja ki Mandi.

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Bhagat Singh took a book with him from Ram Dulare's house many copies of which Ram Dulare had. Exh. P-363 is a book of the same title. We also took back the leather case Exh. P-206. we travelled third class. At Agra Bhagat Singh took delivery of the bicycle. We went to Nai ki Mandi house. We found there Bijoy Kumar Sinha, B.K. Dutt, Doctor Nigham and Raghu Nath. The same evening or the next evening Bhagat Singh and B.K. Dutt took four live bombs and the cycle and set out for Delhi. Those bombs were the four remaining bombs which we had prepared.

The bomb taken by Chandar Shekar Azad to Cawnpore for action was brought back by him and put in the Nai ki Mandi house and was not used. They took the four bombs in the same leather case. Exh. P/206. Bhagat Singh took with him a felt hat of English style and stockings. He also took a pistol. ***Exh. P/480 is that pistol.*** Exhs. P/724 and P/724-A are the stockings with garters. Exh. P/493 is the felt hat.

After some days Sheo Varma returned and said that he had not been able to get the house on rent at Cawnpore. The same day he left for Delhi. Chandar Shekar Azad arrived and also proceeded to Delhi. Raghu Nath also went to Delhi, as members were required there for the action. Bijoy Kumar Sinha, Doctor Nigham and I remained behind at the Nai ki Mandi house. Doctor Nigham and I used daily to prepare bomb materials at the Hing ki Mandi house. On the day after Raghu Nath departed Chandar Shekar Azad came back from Delhi. He brought with him six bomb-shells and materials for bomb-making and the books "Manufacture and uses of Explosives" and "Small Arms Training." Exhs. P/364 and P/28 are those books. **The chemicals he brought included glycerine and chloro-potash. Chandar Shekar Azad said he had obtained these articles from *Sukh Dev* at Delhi. He handed those articles to Doctor Nigham for custody.** [Sukhdev's Remark 40: Sukhdev was said to be at Lahore.]

20th May 1930. J. COLDSTREAM.

Hearing adjourned to the 21st May, 1930. The accused remanded to custody to be produced to-morrow.

20th May 1930. J. COLDSTREAM.

P.W.3.-Phonindra Nath Ghosh (approver), continued on S.A.: —

(Witness has been shown a box containing nine bombs). Out of these bombs I identify P. 94/203 and P. 95/204 as being of the same kind as those which Azad brought to Agra from Delhi. All the six bombs brought by Azad were of this type. Azad told me there had been a meeting at Delhi at which all the persons present decided that the scheme for the rescue of the bomb throwers in the Assembly should be given up because it would endanger too many members of the party. He said that meeting had

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been attended by himself, namely, Azad, Sheo Varma, Bhagat Singh, **Sukh Dev**, Raghu Nath and Jai Dev. He said that it was decided at that meeting that the two bomb throwers, after throwing their bombs, should surrender themselves, and that they should throw red propaganda pamphlets in the Assembly Hall. When I heard of this decision of the Delhi meeting I told Azad that I approved of it as a member of the Central body and so did B.K.Sinha. Azad also said that it had been decided at the Delhi meeting that the Central Office of the party should be moved from Agra to some other place. The Central Office had previously been at Jhansi, but in those days it was at Agra.

By Court.-I do not know when the Central Office had been moved from Jhansi to Agra, but the reason for that move had been that Jogesh Chandar Chatterji was to be rescued at Agra and also that the Police had got information about the activities of Jhansi.

Examination-in-chief continued.—Exh. P/442 are the sort of posters that the party used to distribute. This particular bundle was kept at the Nai ki Mandi house in Agra. Azad said that **Sukh Dev** had taken one live bomb to Lahore out of the four which Bhagat Singh had taken from Agra to Delhi. Azad left for Jhansi telling me that he would take action there to obtain funds. Some days later ***Sukh Dev came to Agra.*** He went back again to Lahore taking with him the two books, P/364, and P/28 and also some chemicals for bomb making and the bomb-making formula. I saw him putting these things together preparatory to departure. He said that Saharanpur was near Lahore and would be a good place to shift the Central Office to from Agra. Dr.Nigham, B.K.Sinha and I remained at Agra at the Nai ki Mandi house. We engaged in bomb making. One day at my request Nigham bought some yellow Phosphorus from bazaar. By mixing yellow Phosphorus and Carbon Bisulphide, a mixture results which is used by application to gun cotton as a fuse in bombs without strikers and in time bombs. When I was making such a mixture my hand got burnt. I still have a mark and show it now to the court. Doctor Nigham brought some zam buk ointment and some hydrogen peroxide to wash the wound. P/721 is like the bottle which he brought. At the same time, a part of the durrie was burnt. P/273 is that durrie. It has marks of burning. P/260 is another durrie which got burnt at the same time.

On the following day Bhagat Singh came from Delhi to Agra. There was some conversation between him and B.K. Sinha, whether Bhagat Singh should throw bombs at the Assembly. Bhagat Singh said he would consult Sukhdev, who was member in charge of the Punjab. Bhagat Singh also said be would bring money from Lahore. He departed. After that I fell ill and then developed small-pox. Before I contracted small-pox my complexion was fairer. This was in March 1929. When I was ill, medicine used to be brought from a doctor by Dr.Nigham. When I got well

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Dr.Nigham showed me the shop of that doctor and I subsequently showed it to a Magistrate.

As we were going to move from Agra, B.K. Sinha took our winter clothes to Jhansi. I identify P/487 and P/537 as two coats thus sent. The former is of Bhagat Singh and the latter of Dr.Nigham. He took them away in a trunk. P/515 is that trunk.

By Mr. Justice Agha Haider.—*I saw B.K. Sinha pack and take the clothes. I gave him no help. He took other clothes too belonging to members of the party. I cannot say what they were. I could identify them if shown me. I made no list of those clothes. I made no effort at that time to memorize the articles. I only say what I actually saw. I cannot say what sort of shirt the Hon'ble Judge has been wearing during the last two days, but he was wearing the same sort of outer gown as now. I cannot say the color of the shirt. By gown I mean his present outer garment.*

Examination-in-chief continued—I cannot describe the Hon'ble Judges shirt because it was not visible; it was hidden by the band and coat. Now I can see the shirt as the Hon'ble Judge is showing it to me.

B.K. Sinha, after taking the clothes to Jhansi, returned in two days. He told me he had left the clothes with Azad.

By Mr. Justice Agha Haidar.—One day when Dr.Nigham and I were out for a walk we happened to pass the shop of that doctor and Dr.Nigham visited the shop while I stood nearby. I saw an old man who was the doctor. I cannot say if he saw me. That is how Dr. Nigham came to show me the doctor's shop.

Examination-in-chief continued.—Three or four days later Bhagat Singh came to the Nai ki Mandi house. There was a discussion between me, Bhagat Singh and B.K.Sinha about the throwing of a bomb in the Assembly and on the Simon Commission. We three agreed that Ram Saran Dass, an old revolutionary leader of the Punjab, should throw the bomb in the Assembly, but final decision was postponed until Sukh Dev had been consulted as he was in Charge of the Punjab. Bhagat Singh left that evening.

One day later B.K. Sinha went to Jhansi taking with him some winter clothes. A day later he retuned bringing my sweater, according to my request, and also three clips each containing ten mauser pistol cartridges and some automatic pistol cartridges. Exh. P/514 is the box in which he then took clothes to Jhansi. He said no dacoity had been committed and no money obtained.

(At this stage Prosecutor produces a despatch box, which is sealed with the seal "Central Jail, Lahore", it also bears four large seals "Joshua Dawson Watts, Notary Public, London," the tapes of which have, however, been cut. After opening the box it has been re-sealed with the seals of this

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Court. The contents were left intact as found. The Prosecutor said he does not wish to exhibit the contents of the box now.)

I see P/236. These are cartridges of an automatic pistol, some of which resemble and are of the same size as brought by B.K. Sinha from Jhansi. The bore is 320. I have been shown six bundles of cartridges in Court. In none of these bundles can I identify any cartridges resembling the thirty mauser pistol cartridges brought by B.K.Sinha from Jhansi. Those cartridges had a groove for fitting into the clip. He told me these had been given to him by Azad.

On one occasion I, Azad, B.K. Sinha and Shiv Varma had discussed a proposal to obtain dynamite from Santosh Kumar of Jharia to place it under the Simon Commission train, but as we had no money, we did not buy the dynamite.

B.K. Sinha as a member of the Central Committee, sent Dr. Nigham to Saharanpur *in accordance with the* ***proposal of Sukhdev,*** *to get a house on rent for the party. Two days later Dr. Nigham came back having arranged for a house.* ***He said it was in Saharanpur near The Tilak Library. The intention was that anybody going to Saharanpur should go to the Tilak Library and that he should be met there by any member from that house.*** [Sukhdev's Remark 41: Too old a system.] *Similar arrangements existed at Agra where the St. John's Library was the meeting place.* after two or three days Dr. Nigham left Agra for Delhi on his way to Saharanpur and took with him a military revolver, together with clothes and books and bomb-making apparatus and material. He went to Delhi first in order to tell the Delhi-members the identity of Saharanpur house. He took all the things I have mentioned in my evidence as having been taken by him to Saharanpur. The revolver which he took is Exh. P/200 (picked out by the witness from a box containing four revolvers and one pistol.) It takes 450 and 455 bore cartridges.

Next day Sheo Varma told me that he had seen ***a letter written by Bhagat Singh to Sukh Dev,*** **the contents of which were that Bhagat Singh would throw the bomb in the Assembly. This conversation of mine with Sheo Varma took place in the last week of March 1929.** [Sukhdev's Remark 42: The way to introduce certain facts.]

The four bombs which he brought were of the same type as P. 89 (picked out by the witness out of the box of the bombs), except that it had no striker. It was arranged between me and Sheo Varma and B.K.Sinha that ten days after the announcement of judgment in the anticipated case relating to the Assembly bomb a meeting should be held at Saharanpur to decide, what further should be done. *Sheo Varma said that during those days he would send a man daily to The Tilak Library to meet any members of the party arriving at Saharanpur. It was arranged that Sheo Varma should go to Saharanpur via Delhi. B.K. Sinha told* ***Sheo Varma***

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not to give Bhagat Singh and B.K. Dutt the address of the Saharanpur house lest in the event of their arrest they might give the information to the Police and many of us be arrested. I and B.K. Sinha went to Calcutta on 31st March, 1929. On departure our Calcutta address was given to Sheo Varma, namely, Bimla Kanth, 9, Cornwallis Street. We gave that address because Sheo Varma was to send money to B.K. Sinha. B.K. Sinha took with him two automatic pistols, one air pistol, a stove which L.K. Mukerjee had brought to the Hing ki Mandi house, a blanket left by L.K. Mekerjee and some books one of which I remember was called "Mukti kaun pathe". I took with me two bomb shells to give to J.N. Dass for the two he had given to me. Sheo Varma packed up in his luggage 8 bomb shells one live bomb and a mauser pistol which were at the Agra house. Exh. P/477 is the air pistol which B.K. Sinha took. The bomb shells which I took were of the type of P/89 but without striker. The eight bomb shells taken by Sheo Varma were of the type of P/89, P/94/203, P. 95, 204 but had no striker. The live bomb which he took had a striker and had been filled by J.N. Dass at Hing ki Mandi house. Sheo Varma was to leave for Delhi after our departure. The Agra house was vacated. On departure B.K. Sinha gave to Sheo Varma a gold ring. P/250 is that ring. I pointed the Agra house to a Magistrate of Agra during the investigation.

Besides the articles already mentioned by me as having been taken from Agra to Saharanpur I can identify if shown other articles which were at the Nai ki Mandi house, and which subsequently were taken to Saharanpur.

(At this stage, a large number of exhibits were brought before the Court being laid down on the floor of a room and the witness was asked to pick out those which he identified as having been in the Nai ki Mandi house in Agra and as having been taken to Saharanpur.

I identify the following:-

Exh. P/257, coat.
Exh. P/726, coat.
Exh. P/465, box.
Exh. P/325, socks.
Exh. P/317 lamp.
Exhs. P/321 and 321-A, two pairs of dum-bells.
Exhs. P/313, P/313-A, P/313-B, P/313-C and P/313-D, five spoons.
Exh. P/320, soap-case.
Exh. P/485, turban.
Exh. P/467, *kukri*.
Exhs. P/307, P/307-A and P/307-B, three bowls.
Exh. P/475, Knife,
Exh.P/475-A, leather case.

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Exhs. P/712 and P/712-A, two looking glasses.
Exhs. P/711 and P/711-A, two pairs of garters.
Exh. P/708, brush,
Exh. P/469. box,
Exh. P/716, a bottle containing spirit,
Exh. P/207, a steel box,
Exh. P/677, a box
Exh. P/251, a coat,
Exh. P/247, spear stick,
Exh. P/252, coat,
Exh. P/310, spoon,
Exh. P/274, *durrie*,
Exh. P/322, rubber chest expander.
Exh. P/263, *dohar* of *gahra*,
Exh. P/322, pillow,
Exh. P/272, old *durrie*,
Exh. P/262, *dohar gahra*,
Exh. P/253, coat, dove coloured.
Exh. P/706, necktie,
Exh. P/720, calomel (medicine),
Exh. P/717, enema basin with a tube,
Exh. P/718, stethoscope,
Exh. P/334, *dhoti*,
Exh. P/211, *dhoti*,
Exh. P/214, *dhoti*,
Exh. P/705, a pair of socks, and
Exh. P/470, leather bags.

I identify the following books -

Exh. P/424, Makhzan-i-Hikmat
Exh. P/401, book entitled "Modern Breech Loaders"
Exh. P/415, "Monopoly or How Labour is Robbed"
Exh. P/391, Bhogilak Adhan in Hindi
Exh. P/422, Makhzan-ul Adwiyat (Materia Medica) Vol I
Exh. P/425, Makhzan-ul Adwiyat (Materia Medica) Vol II
Exh. P/429, Makhzan-i-Hikmat
Exh. P/354, Road map of United Provinces
Exh. P/378, Rasayan Shastra in Hindi or Hindi Chemistry
Exh. P/382, Obhar in Hindi
Exh. P/375, Banaspati Sastra (Hindi Botany)
Exh. P/411 'Prem' in Hindi
Exh. P/436, Book of labels for Medicine bottles

I also identify the coat Exh. P/707. I saw the bundle Exh. P/442, containing "Hindustan Socialist Republican Army notices" at Agra. It was taken to Saharanpur.

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All these articles now picked out by me were seen by me in the Nai ki Mandi house in Agra. They were all taken to Saharanpur by Sheo Varma and Dr.Nigham. All these things belong to the party but some of them were used specially by the individuals.

The remaining books and articles before me I do not identify as having been at Agra, that is to say. I cannot tell if they were at Agra or not.

The following articles were used by Bhagat Singh :-

Leather Bag, P/470
Socks, P/705
Neck tie, P/706
Dhoti, P/211
Dhoti, P/214
Steel Box P/207. This he brought from Calcutta containing acids.
Garters, P/711 and 711 A.

The following articles were used by Doctor Nigham :-

Coat P/707
Books, Exh. P124, 429, 425, 422
Stethoscope P/718
Calomel P/720
Enema basin with a tube P/717
Books of labels P/436 and
One bottle P/716.

Exhs. P/726 and 253 were used individually by B.K. Dutt.

Exh. P/257 was used by Sukhdev.

Exh. P/485 was used by Chandar Shekar Azad.

Exh. P/310 was used by Bhagwan Dass.

The remaining articles were in common use by all members of the party.

Sheo Varma used Exh. P/325

I used Exh. P/334 dhoti. It is mine.

B.K. Sinha and I took third class tickets from Agra to Allahabad. We alighted at Allahabad to see J.N. Sanyal. He asked me if I bought acids in Calcutta. I said, no. He said that it was just as well because he had sent Kundan Lal to fetch J.N. Das but J.N. Das had refused to come. B.K. Sinha went away from me to deliver the stove and blanket and a book, called **"Mukti kaun pathe" to L.K. Mukerji and to inform Ajoy Kumar Ghosh to abscond because B.K. Dutt who was his friend was going to take some action.** [Sukhdev's Remark 43: Precaution.] He was to tell him to abscond to Calcutta to the College Square where he would meet B.K. Sinha within the first or second week of April during some evening. On his return B.K. Sinha said that he had delivered that message to A.K. Ghosh and that he had handed over the articles. That same evening I and

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B.K. Sinha set out by third class to Howrah. We stopped on the way at Dhanbad. B.K. Sinha went to Jharia to see Santosh. Jharia is five miles from Dhanbad on a branch line. Santosh is a friend of B.K. Sinha and B.K. Dutt. In the evening he took me and introduced me to Santosh. At Dhanbad I stayed in a Dharamsala. B.K. Sinha in my presence told Santosh that **B.K. Dutt was to take part in some action and that Santosh should abscond to Calcutta when the action should take place and meet B.K. Sinha there.** [Sukhdev's Remark 44: Precautionary measure.] The keeper of the Dharamsala told me to get permission of the proprietor if I wanted to stay there, but I said that I did not want to stay the night but only for a few hours and he then gave me permission. B.K. Sinha and I left for Calcutta from Dhanbad at 9 P.M. on third class tickets. In Calcutta we went to the Arya Samaj Mandir to Kanwal Nath, Tewari. It was the third or fourth of April. On the first day after introducing B.K. Sinha and Kanwal Nath, Tewari, I went next day to my uncle's house. B.K. Sinha remained with Kanwal Nath, Tewari. B.K. Sinha was there for four or five days and I used to visit them regularly. After that Kanwal Nath, Tewari took a house on rent for B.K. Sinha, in Machhwa Bazaar on Rs.13 or Rs. 14 a month. During the investigation I showed that house to a Magistrate. Santosh Kumar came to Calcutta and stayed with B.K.Sinha in the Machhwa Bazaar house. In those days a letter arrived from Saharanpur written by Sheo Varma. That letter was received first by Tulsi, Jamadar, of the Arya Samaj Mandir, who delivered it to Kanwal Nath, Tewari, and Kanwal Nath delivered it to me. It contained three currency notes of Rs.10 each and the letter which we afterwards burnt. **The letter was that I and B.K. Sinha should go to *Saharanpur, but we did not go because I had meanwhile learnt from newspapers that a bomb factory at Lahore had been seized and that Bhagat Singh and B.K. Dutt had been arrested for the Assembly bomb affair.***

In consequence of a letter I wrote to him, Man Mohan Bannerji came to Calcutta on the 18th or 19th of April. Kanwal Nath Tewari, got him put up at the house of Mani Bhushan Bhatacharya. Next day, I, B.K. Sinha, Kanwal Nath Tewari and Man mohan Bannerji met behind the Eden Gardens. I told Man Mohan Bannerji that B.k. Sinha was evading detection in connection with the Assembly bomb affair and the bomb factory at Lahore and that Man Mohan Bannerji would arrange for his stay in Bettiah and help him with money. B.K. Sinha suggested action at Bettiah to get money to which Man Mohan Bannerji agreed. B.K. sinha and Kanwal Nath Tewari went off. I went home. Man Mohan Bannerji went to the house of Mani Bhushan. Afterwards he went to Asansol according to arrangement.

I sent for J.N. Das through Binoy Roy Chowdhary and I handed over to him the two bomb shells I had brought from Agra. B.K. Sinha and Kanwal Nath Tewari left for Bettiah on the night of the 24th or the 25th of

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April. I then went off to the village where I had been married, namely, Barrackpur. My father-in-law is Ras Bihari. From Barrackpur I went to Naksar where I stayed for 15 to 20 days. I then returned to my uncle's house in Calcutta and on the 24th May 1929, my uncle's house was searched. I was living there then but was not present at the time of the search. I and Baij Nath Singh went to the house of my brother-in-law Nawarat Chandar Ghosh in Nithai Babu lane and I spent the night there. Next morning Baij Nath Singh met me and gave me Rs.10. He had been initiated by me in the revolutionary party in January or February 1929. He told me that he had made arrangements for me to stay with Brahm Dutt who deals in hats at Calcutta. He took me to Brahm Dutt's house on the same day. I stayed there for 7 or 8 days. I then went to the house of Benoy Roy Chowdhary, Bhawanipur. I had left my pair of slippers at Brahm Dutt's house. I showed the house of Brahm Dutt to a Magistrate, and also the meeting place at the Eden gardens and the Arya Samaj Mandir. I also pointed out the house of Benoy Roy Chowdhary. Benoy Roy Chowdhary put me at the house of a friend where I stayed for four days. Then he put me with another friend where I stayed for three days. Then he brought Kali Pado Passu and sent me with him to that man's house in the Machhwa Bazaar. That was on the 8th June 1929. I also pointed out that house to a Magistrate, as well as the two houses of the friends of Benoy Roy Chowdhary. On the evening of the 8th of June I met Brahm Dutt in Chatranjan avenue. He gave me a bundle to hold. He was on the cycle. We had some conversation. By mistake he went off, leaving the bundle with me. I went to Baij Nath Singh's house and took him with me towards the house in the Machhwa Bazaar where I was living. On the way Baij Nath Singh and I were arrested by a C.I.D. officer. It was 9-30 P.M. We were taken to the thana and searched and on my person was found the bundle handed to me by Brahm Dutt and the newspaper and some cash. **I identify Exh. P. 512 as that bundle and Exh. P.C.P/2 is that newspaper.** ***I was arrested on the 8th of June. I was kept for the night*** *at the Lal Bazaar Thana and next day after production before a Magistrate Baij Nath Singh and I were sent to Lahore by the Punjab Mail. I reached Lahore on the 11th of June and was detained in the Fort. On the 20th of June I was tendered a pardon. I identify my signature on the Magistrate's order Exh. P.C.P., which is the acceptance of pardon by me.*

By Court. *Between 11th and 20th June I was in custody and on the 14th June I began making my statement before the police.*

Examination-in-chief (continues).- After being tendered a pardon I made a statement before another Magistrate. Exh. P.C.P.-1 is the Magistrate's record of that statement. He read it out to me as he wrote it. This statement was read out to me in the Court of the Special Magistrate. It was correctly recorded and the statement is a true one.

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Santosh had given Rs.2 to B.K.Sinha for expenses in my presence on the occasion when we all three met at Jharia.

21st May 1930. J. COLDSTREAM.

P.W.3.-Phonindra Nath Ghosh (approver) continues on S.A: —

On the *15th instant* I went to the two jails and in one jail I identified eleven of the accused and in the other jail two of them. The manner of my identification of them was as follows:-

First I went to the Borstal Institution. There I was taken by the Superintendent into the Institution where the accused persons were. Omitting five of the accused persons who are in the Borstal Institution the remaining accused were stood up in a yard. The five separated men were subsequently seen by me. Of that row that was standing there I first of all identified eight men, but not everybody in the row. I identified them by pointing to each individual and naming him. The Superintendent of the Institution continued to write what I said. After that I saw the five other men who were detained in separate cells. There were no names recorded on the cells, nor did I see any tickets. Out of those five I identified three. I identified them by pointing to them and naming them. Out of those five men, one turned his face away when I came up to him. I then said to the Superintendent that, as he had turned his face, I could not identify him. I was then put behind a corner formed by two walls, and that particular accused was then taken past me. I then said about him to the Superintendent that, having seen him, I did not identify him. Among the eleven whom I had identified was included J.N. Sanyal whom I had also identified in this Court. The others whom I identified in the Borstal Institution were : Kanwal Nath, Tewari, Sheo Varma, Bijoy Kumar Sinha, Kundan Lal, Jai Dev, **Sukh Dev**, S.N.Pandey, Ajoy Kumar Ghosh, Shiv Ram, Rajguru alias Raghu Nath (I named him to the Superintendent as Raghu Nath), and Doctor Nigham. I knew all these eleven persons before. All of these are the same persons to whom I have referred in my evidence. I can still pick them out from a collection of individuals at any time.

From the Borstal Institution I went to the Central Jail and there I identified Bhagat Singh and B.K. Dutt. Both were standing in one cell yard. No cell-ticket was affixed there. The Deputy Superintendent of the Jail took me there. Except my own knowledge, I had no other means of identifying them.

By Mr. Justice Agha Haidar-Bhagat Singh is tall and fair (gora) with small eyes, beard shaved, has got moustache. His hair is cut in English fashion. B.K. Dutt is of dark complexion, darker than me.

Examination-in-chief (continues). - I knew them both before as they were members of the revolutionary organization. I identified them by pointing to each of them and naming them individually.

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By Mr. Justice Agha Haidar. - I began my evidence in this Court on the 16th instant, 17th, 19th, 20th, 21st and today. My evidence before the Special Magistrate continued for a period of one and a half or two months, but not continuously. There were long intervals owing to disputes. The accused used to attend that Court on the days I used to give my evidence. They used to be in front of me.

Examination-in-chief (continues). - Before the Special Magistrate as I was giving evidence as soon as I named any accused person for the first time I then and there identified him in the dock.

By Mr. Justice Agha Haidar. -The first occasion for identification there was on the second day of my evidence when I identified J.N.Sanyal.

Examination-in-chief (continues).- At that time J.N.Sanyal had no beard. A month and a half later he had begun to grow beard and now he has a full beard.

(Examination-in-chief closed subject to the reservation that the witness is required to identify all the accused named by him before the court.)

R.O. & A.C.

22nd May 1930. J. COLDSTREAM.

P.W.3—Supplementary Statement of Phonindra Nath Ghosh on S.A.:—

Q.— You have mentioned the articles which, according to you, Dr. Nigham took from Agra to Saharanpur. How do you know that he took them to Saharanpur?

A.— It had been decided by the Central Committee that Dr. Nigham should go to Saharanpur, and that he (Dr. Nigham) should take some of the articles from Agra to Saharanpur. I was present when he packed the articles which I have mentioned in my evidence. I have no personal knowledge of the arrival of these things at Saharanpur. Dr. Nigham also said to me that he was taking them to Saharanpur via Delhi.

Q.— Who of the Central Committee ordered Dr. Nigham to go to Saharanpur,?

A.— The order was given by me and B.K. Sinha representing the Central Committee at Agra.

Q.— How do you know that the articles taken by Shiv Varma reached Saharanpur?

A.— I have no personal knowledge whether the articles which Shiv Varma took from Agra actually reached Saharanpur.

R.O. & A.C.

23rd May 1930. J. COLDSTREAM.

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P.W.4. —Man Mohan Bannerji alias Manohar Bannerji, son of Jagdish Chandar Bannerji, Brahaman, 22, cultivator and contractor, of Beria, District Champaran (Bihar Province), on S.A.: —[Sukhdev's Remark-45; of little importance]

I was educated first at the Beria pathshala for about four years. I then entered the Bettiah Raj High English School where I remained for about five years. Bettiah is five miles from Beria, my home village. During my school days I became acquainted with Kanwal Nath Tewari, who was a student two classes ahead of me. He is an accused person in this case and I identified him in the Court of the Special Magistrate.

(Prosecutor asks for the production in Court of Kanwal Nath Tewari, accused, for identification by this witness. The matter is under consideration. Examination to proceed meanwhile.)

Another student in the same school was Narain Chandar Mukerji, my cousin, who was senior to me by three classes. I refer to the Bettiah school. Narain chandar Mukerji used to frequently visit the shop of Phonindra Nath Ghosh in the Mina bazaar near our school. I used to accompany him to that shop. The proprietors of that shop were Phonindra Nath Ghosh and his brother, Manoranjan Ghosh. They used to sell lanterns, oil and medicines. They had also a license to sell arms and ammunition. I thus became well acquainted with Phonindra Nath Ghosh, who used to supply me with books to read. Amongst those books were Anand Math, Bande Jiwan, Bangla Biplo (Revolution in Bengal), Life of Mac Swinney in Bengali and several other political and religious books. This was in 1920 and 1921. During those years public meetings were used to be held at Bettiah which I used to attend. In those meetings there was propaganda in favour of Mahatma Gandhi's ideas. From reading these books and attending these meetings I formed the idea of serving my country. During the same days Phonindra Nath Ghosh used to talk to me a great deal on political matters. I read in the papers that he was arrested in the Lahore Conspiracy Case and I myself saw him when he was giving evidence in this Court.

By Mr. Justice Agha Haidar.- I entered my age at the schools where I was studying. At Beria I gave my age as 7 years and some months and at Bettiah 11 years and some months. I shave my chin.

Examination in Chief (continues) :- Phonindra Nath Ghosh used to say to me that the bad condition of the country was due to the foriegn Government. He attributed to the foriegn Government also the poverty of the country and the deficiency of education. He said that an improvement could only take place if the foriegn Government were changed. Such views he was continually expressing to me.

In the year 1922 or1923 the congress was held at Gaya and Phonindra Nath Ghosh took me there. I attended the congress as a visitor.

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I listened to the speeches, the effect of which on me was that I came over to the views that the foriegn Goverment should be changed, and that the country should be set free, and that I should take part therein. From Gaya when the congress was over I accompanied Phonindra Nath Ghosh back to Beltiah. After my return while I was still studying I used to continue my visit to Phonindra Nath Ghosh who used to impress upon me the same views as before and pressed me to join the revolutionary party, the revolution being according to him the only way to obtain change of government. He told me that in order to become a member of the revolutionary party, it was necessary to give up one's parents, friends and relations, to obey all the orders of the revolutionary party and to keep secret all the affairs of the revolutionary party. He also said that the revolutionary party would need funds which should be raised, if possible, by subscriptions or failing that by commission of dacoities. He also said that for the work of the revolutionary party there was need of arms which should be obtained by every possible means. I adopted his views and became a member of the revolutionary party in 1923 or 1924. I was then 14 or 15 years of age and was reading in the second Middle class. Just as Phonindra Nath Ghosh had converted me to his views, so I converted Kidar Mani Shukal, my class fellow, and about my own age. In converting him I made use of books as well as of talk. He was a resident of Malkauli. I left school about the year 1924. when I left I had reached the third class to reach which it took me 10 years from the commencement of my study. I began to engage in agricultural work at my own village Beriah. One day Phonindra Nath Ghosh came to me there and introduced me to a Bengalee whom he named as Jiwan Kanai Pal and said that he had been sent by the Bengal revolutionary party to Bihar-Orissa. We three discussed plans for increasing the number of the revolutionary party. After that they both went away.

In the year 1925 I accompanied Phonindra Nath Ghosh to the Congress at Cawnpur.

By Mr. Justice Agha Haidar. - The President was Sarojini Naidu.

Examination-in-chief (continues).- He also took 10 volunteers with him for service in the Congress. He also took Jai Narain Parshad, who was the Secretary of the Town Congress Committee and the President of the Sewa Dal. I myself saw them there. They stopped at the Sewa Dal camp at cawnpur, while I stopped at the camp of the Bihar delegates. After arrival there I was recorded as a delegate and attended the Congress as a delegate. As a delegate I attended the speeches and lectures. My idea strengthened of serving the country and changing the Government. From Cawnpur Phonindra Nath Ghosh returned to Bettiah with his volunteers. I heard him telling them where they were going. From Cawnpur I, Phonindra Nath Ghosh and Jai Narain Parshad went to Benares. No volunteer came with us. At Benares Phonindra Nath Ghosh took us to see

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Mani Bannerji at his house at Pandey Ghat in Bengalee Tola Mohalla. Phonindra Nath Ghosh introduced him to me as a member of the revolutionary party and introduced me to him also as a member of the revolutionary party.

From Benares Phonindra Nath Ghosh, Jai Narain Parshad and I went to Bettiah. Phonindra Nath Ghosh started a Khadar Depot at Bettiah, of which he put me in-charge. This was in 1926. The shop was opened in Kali Bagh Mohalla.

About the end of 1926 or beginning of 1927 Jiwan Kanai Pal came and saw me at the Khadar Depot at Bettiah. He handed me a revolver, with three or four cartridges and an automatic pistol with 5 or 6 cartridges. He asked me to keep them. I kept those two weapons and the cartridges for some days and then gave them to Raghuni, Chamar, who used to work as my tenant to keep. I pick out Exh. P/814 as that automatic pistol and Exh. P/815 as that revolver. Exh. P/816 is of the same type as those revolver cartridges. The cartridge, Exh. P/817 is of the same type as the automatic pistol cartridges.

The cartridges mentioned by the witness are found to fit the respective weapons. I remember the revolver by the design and the marks on it. I had them for two or three months. As regards Exh. P/814, the plate on the grip broke when I had the weapon and this helps me to identify it. I also saw these weapons in the Court by which the Moleina dacoity case was tried at Motihari.

After that I went with Phonindra Nath Ghosh to the Gohati Congress in 1926. We met Jiwan Kanai Pal, who gave us about 200 printed pamphlets in Hindi for distribution. Exh. P-C-N is the same as those pamphlets. The purport of this document is that the peaceful methods of Mahatma Gandhi have proved useless, and that the country should be freed by means of revolution. We distributed these pamphlets to the Sufferers Conference, who consist of persons who have been in Jail for political reasons. From Gohati P.N. Ghosh and I returned to Bettiah. At the end of 1926 or the beginning of 1927, in consequence of a letter received by me from Mani Banner Ji, I sent him Rs. 50 to the address "Pande Ghat, Bengallee Tola Mohalla Benares." I received the receipt for the money-order and retained it, but it was taken away by the Police when my house was searched in the Deogarh Conspiracy case. I again saw that receipt in the Court of Session at Motihari.

In the beginning of 1927 B.N. Bhattacharya came to me at the Khaddar Depot. I put him up at my own house in Beriah, because at that time P.N. Ghosh was away and, on departure, he had asked me to take anybody coming from Benares in search of him as a member of the revolutionary party and put him up. B.N. Bhatacharya handed me two revolvers with one, of which there were three cartridges. He then went

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away. Four of five days later P.N. Ghosh came to me at the Khaddar Depot. I handed him over the two revolvers and told him all about B.N. Bhattacharya's coming. Two or three days later he handed me the revolvers back and asked me to keep them safely. Of the revolvers lying on the table I identify Ex. P/122 as that revolver without cartridges. I do not see the other revolver which had three cartridges in Court. (Witness shown six revolvers and two pistols). I had placed these revolvers in a box and buried it in my house. They remained there when my house was searched after the Durga Puja vacation in 1927. One or one and-a-half months after the search I took out the revolver with three cartridges and gave it to P.N. Ghosh at his request. When he took the revolver from me P.N. Ghosh said "I am going towards Benares."

In the beginning of 1928 I gave up the work at the Khaddar Depot and began working as a contractor of local bodies. In July 1928, P.N. Ghosh came to Bettiah having been absent for about six months. He met me there. Some time after his arrival in Bettiah I was awakened one morning by a boy, Indar Mahto, resident of Beriah, whose house is close to mine. He said that on the east of my house a shopkeper of Bettiah and another man with him were waiting for me. I found there P.N. Ghosh with a cycle and another man about whom P.N. Ghosh told me that he was a member of the Revolutionary Party from another province, and that his name was Bachu. I identified that man Bachu before a Magistrate at the Fort and again in the Court of the Special Magistrate. I now know his name to be Bijoy Kumar Sinha. This I learnt when he and I went to Calcutta after the Delhi meeting.

(The Prosecutor asks for the production of Bijoy Kumar Sinha for identification by this witness. The matter is under consideration. Eaxmination-in-Chief to proceed.)

Bijoy Kumar Sinha told me that a meeting would be held at Delhi attended by members of the revolutionary parties from the Punjab, the United Provinces, Bengal and Bihar and Orissa, and that I and P.N. Ghosh should take part in it. I said nothing, but P.N. Ghosh said that we had no money to spend on railway fare to Delhi. Bijoy Kumar Sinha said that somehow or other we should raise money for the railway fare to Delhi, and that he would provide us with money for the return fare. It was then decided that P.N. Ghosh and I should attend that meeting and Bijoy Kumar Sinha told us to be present at the Feroz Shah Tughlaq Fort in Delhi. After that discussion Bijoy Kumar Sinha and P.N. Ghosh left me. Bijoy Kumar Sinha was wearing the dress of a Mohammdan, including pyjamas, khaki shirt and a high woolen cap.

A few days later P.N. Ghosh and I set out for Muzaffarpur from Bettiah taking third class tickets and from Muzaffarpur we took third class tickets for Allahabad. At Allahabad P.N. Ghosh took me to the house of a

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Bangalee and said "This is the house of Jatindra Nath Sanyal, brother of Sachindra Nath Sanyal." He said he referred to S.N. Sanyal, who was a convict in the Kakori case. At that house we met J.N. Sanyal and P.N. Ghosh had some conversation with him. I identify J.N. Sanyal in the Court of the Special Magistrate. He was then sitting in the dock of the accused.

(The Prosecutor asks for the production of J.N. Sanyal, accused, for identification by this witness. The matter is under consideration. Examination-in-Chief to proceed.)

P.N. Ghosh asked J.N. Sanyal whether Bijoy Kumar Sinha was the sort of man with whom he could work. I understood him to mean work connected with the revolutionary party as we used to speak among ourselves in that fashion. J.N. Sanyal said that Bijoy Kumar was a very good man, and that P.N. Ghosh could work with him without any fear. We, i.e., P.N. Ghosh and I stayed that day and that night and the next day in Allahabad and then set out in the evening for Delhi. We took third class return tickets. We arrived at Delhi next morning. At Delhi we proceeded to the Feroz Shah Tughlaq Fort arriving there at 8 or 9 A.M. We met Bijoy Kumar Sinha already mentioned. He told us that the meeting fixed for that day was postponed as there was other business and some members had not arrived. He said the meeting would be held at that place next morning. Then P.N. Ghosh, Bijoy Kumar Sinha and I sat under a tree and Partap and Sheo Varma came there. I subsequently identified Partap in a parade before a Magistrate and I identified both Partap and Sheo Varma in the Court of the Special Magistrate. I know the name of Partap to be Kundan Lal. They were in the dock of the accused in the Court of the Special Magistrate. [Sukhdev's Remark 46: No date at all.]

(The Prosecutor asks for the Production of Partap alias Kundan Lal and Sheo Varma for identification by this witness. The matter is under consideration. Examination-in-chief to proceed).

At a short distance from where we set another meeting was going on attended by some persons. Two men passed by us and went to that meeting about whom Bijoy Kumar Sinha said they were Brahm Dutt and Pandey and were members of the revolutionary party. I identified Pandey in the Court of the Special Magistrate. He was then sitting in the dock of the accused. In that Court I learnt that his full name was Surindra Nath Pandey. At about noon Partap took me and P.N. Ghosh to the Marhati Press. He took us to a room where one Pathik Ji of Rajputana was staying. We spent the day there and in the evening Partap took us to a hotel where we had dinner. I later pointed out that hotel to a Delhi Magistrate. After dinner Partap took P.N. Ghosh and me back to the press while he went away. We two spent the night at the press.

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Next morning P.N. Gosh and I went to Ferozshah Tuglaq Fort. There we had a meeting. It was attended by myself, P.N. Ghosh, Bhagat Singh, **Sukh Dev**, Sheo Varma, Jai Dev, Bijoy Kumar Sinha and Partap. I identified Bhagat Singh, Sukh Dev and **Jai Dev** [Sukhdev's Remark 47: Not true.] in the court of the special Magistrate. All three were then sitting in the accused's dock. At the meeting Bhagat Singh was called Ranjit. I came to know his name Bhagat Singh from Bijoy Kumar Sinha after a bomb had been thrown in the Delhi Assembly Hall. In the meeting Sukh **Dev was given the name of 'villager'.** [Sukhdev's Remark 48: Sukhdev villager.] When a man named Sukh Dev was arrested in connection with the Lahore Bomb Factory, I then learnt that the said Sukh Dev was identical with 'villager'. ***So far as I remember Jai Dev was given the name of Harish at the meeting. Some days after the Delhi meeting I learnt from P.N. Ghosh that his name was Jai Dev.*** [Sukhdev's Remark 49: Rascal.]

(The Prosecutor asks for the production of Bhagat Singh, Sukh Dev and Jai Dev for identification by the witness. The matter is under consideration. Examination-in-chief to proceed.)

(At this stage P.N. Ghosh (P.W.3) having been brought in Court) I see this man, who has just been brought in Court, to be P.N. Ghosh. (At this stage Brahm Dutt having been brought in Court). I see this man who has just been brought in Court to be Brahm Dutt whom I saw with Pandey as above mentioned. **Today is the first time I have seen him since the Delhi meeting. I saw him on that occasion for two or three minutes. He and Pandey passed at four yard's distance from where we sat.** [Sukhdev's Remark 50 : What a true memory!] The meeting was fifty yards away.

Bijoy Kumar Sinha first introduced all the persons present at the meeting to one another. Next it was resolved to form a Central Committee. All the persons present except myself and Jai Dev were then elected to the Central Committee. Azad, who was absent, was also elected a member of the Central Committee. His full name is Chandar Shekar Azad. It was resolved that the headquarters of the Central Committee should be at Jhansi, and that Partap should be in-charge of it. To be in-charge of the Provinces Shiv Varma was appointed for the United Province. **Sukh Dev for the Punjab** and P.N. Ghosh for Bihar and Orissa. Other party names given at the time of the meeting were Dada for P.N. Ghosh, Khudi Ram for myself, Parbat for Sheo Varma, Partap or No.1 for Kundan Lal and Panditji or No. 2 for Azad. Bijoy Kumar Sinha was given a name which I forget. It was also decided at that meeting to murder the approvers in the Kakori Conspiracy Case. Sheo Varma having stated that owing to those men the revolutionary party in the United Provinces had become weak. Bijoy Kumar Sinha seconded this resolution which was passed. Bijoy

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Kumar Sinha read out a letter from Jogesh Chandar Chatterji, a convict in the Kakori case. It was decided that Jogesh Chandar Chatterji should be rescued at the time of his transfer from the Agra Jail and that, after his rescue, Sachindra Nath Sanyal should also be rescued. It was decided on a proposal by Bhagat Singh that a bomb should be thrown at the Simon Commission. It was also decided on a suggestion by Bhagat Singh that P.N. Ghosh should search for a bomb-maker in Bengal to teach the members of the party to make bombs which would be required for that action against the Simon Commission. P.N. Ghosh and Bhagat Singh agreed that they would meet at Calcutta at the time of the Congress and join in searching for a bomb-maker.

It was decided not to appoint any provincial head for Bengal because Sheo Varma said that he had been to Bengal and spoken with the leaders there and that they were against terrorism, while we were in favour of terrorism, and that they should not, therefore, be joined with us. A resolution was passed that the provincial heads should be in charge of all work relating their respective provinces, that if any provincial head wished to undertake action he should obtain the permission of the Central Committee, that the Central Committee should take no action in the province without the approval of the provincial head, that any arms acquired by any member should be given to the Central Committee and that any arms required for action should be supplied by the Central Committee and should be returned to the Central Committee after the action. By "action" was meant "murder or dacoity for political purposes." It was also resolved that any money or goods acquired by action should be delivered to the Central Committee and should belong to the Central Committee and that any provincial head requiring funds could obtain them from the Central Committee. All-India questions should be decided by the Central Committee. ***(It was also decided that Bhagat Singh should follow the example of Bijoy Kumar Sinha and renounce his home and further that he should have his hair cut short and beard shaved.)*** [Sukhdev's Remark 51 : Wrongly interpreted.] It was also decided, on a proposal of B.K. Sinha, that action should be taken in Bihar and Orissa for the purpose of obtaining funds. It was decided that Bhagat Singh should go to Bettiah after eight or ten days, and that he and P.N. Ghosh should fix together a suitable place for action. Bhagat Singh said he would go there in Bengalee dress and would have his beard and moustache shaved. P.N. Ghosh said it was unnecessary to have his moustache cut but that it was sufficient to have his hair cut short and beard shaved. Chandar Shekar Azad was appointed to be in charge of the military department. All these resolutions, which I have mentioned, were oral and were not recorded on any document.

While the meeting was going on a fort an employee came up and asked us what we were doing. We had two or three books and some

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newspapers and Bhagat Singh and Sukh Dev replied that we were students preparing for examinations. The meeting began at 8-00 or 8-30 A.M. and finished at 4 or 5 P.M. After the meeting with the exception of Bhagat Singh we all went to New Delhi. We saw the Observatory. We drank water from a water pipe and near it we took sweets. We saw the Assembly House and the Secretariat. Sheo Varma took me and P.N. Ghosh for dinner to the same hotel where P.N. Ghosh and I had dined before. While we were there Partap alias Kundan Lal came to that hotel with his bedding. We then went to the Marhati Press accompanied by Kundan Lal and spent the night there.

Next day by the morning train I and P.N. Ghosh left for Meerut. The object was that P.N. Ghosh wanted to meet Jogindar Shukal who had been working in the Muzaffarpur Khaddar Depot and was a member of the Revolutionary party known to us. I had seen him working at the Muzaffarpur Khaddar Depot because I had been there to make the proceeds of sales of Khaddar sold at Bettiah. P.N. Ghosh told me that he was a member of the revolutionary party. We did not find Jogindar Shukal at Meerut. From there we went to Ghaziabad for which place I had taken a ticket, while P.N.Ghosh had taken one for Delhi. On leaving Gaziabad P.N. Ghosh told me to convey a message to J.N. Sanyal to the effect that J.N. Sanyal should write to Bijoy Kumar Sinha Care of the Post Master, Agra, if need be. P.N. Ghosh went on to Delhi and I went to Allahabad. I there went to J.N. Sanyal and conveyed the message to him. From Allahabad I went to Bettiah taking a ticket to Patna and then on. I had taken money of my own for these expenses. Tickets from Allahabad to Bettiah direct were not available. P.N. Ghosh reached Bettiah seven or eight days after my arrival. Two or three days after this he and I went to the Local Board office where there was that day a meeting to give contracts to contractors. While there at noon we saw two persons pass the office in an ekka one of whom resembled Bhagat Singh. At P.N. Ghosh's request, I followed that ekka on a bicycle. I found Bhagat Singh and another man in the ekka. I took Bhagat Singh to a shop and gave him sweet-meats and asked him to wait in the Sant Ghat garden having been given that message by P.N. Ghosh. At that time I did not recognize the companion of Bhagat Singh. I returned and told P.N. Ghosh that the men were Bhagat Singh and a companion. About 2 P.M. I went to the Sant Ghat garden. P.N. Ghosh joined me there shortly afterwards. We found Bhagat Singh and his companion there. Bhagat Singh said that the companion was Chandar Shekar Azad who, at Delhi, had been elected a member of the Central Committee. Bhagat Singh said that two other members of the party had come with him whom he had left at the dharamsala in Muzaffarpur, and that one was an M.A. student and the other a Maharastri. Bhagat Singh said that he had brought arms which he had left with those two comapinions. Muzaffarpur is 100 miles from

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Bettiah. P.N. Ghosh told Bhagat Singh that, as it had been arranged that he and Bhagat Singh should join in fixing a place for action, he had not yet fixed any place. Azad became annoyed with Bhagat Singh saying, "why did you bring me along when no place was fixed". It was decided that Azad should stay at Bettiah and that I and Bhagat Singh should go to Muzaffarpur in order that I might obtain from Joginder Shukal the revolver which P.N. Ghosh had left with him and then give that revolver to Bhagat Singh. Bhagat Singh, P.N. Ghosh, Chandar Shekar Azad and I went to my village Beriah. We stopped about half-a-mile from the village while I went home and got food prepared for those three. I went back to where they were accompanied by my tenant Raghuni Chamar who carried a lantern. After that Azad was taken to stay with Babu Ram at Rampur, one mile from Beriah. Raghuni called Babu Ram to us. I asked Babu Ram to put up Azad and he agreed and did so. I arranged with Azad to meet me or some other man next day in the Udepur jungle. I went home and then to Muzaffarpur. I reached Muzaffarpur in the morning in accordance with the previous arrangement. I met Bhagat Singh at the dharamsala near the station in the evening. He had two companions with him. They were the M.A. student and the Maharastri. I was accompanied by Joginder Shukal. It was September or October 1928. I met Joginder Shukal near the Muzaffarpur station having looked for him in Hajipur in vain. After some conversation Joginder Shukal went away and returned with a revolver and three cartridges. I had given Joginder Shukal the message of P.N. Ghosh. He handed the revolver to Bhagat Singh who gave it to the M.A. student in my presence.

Bhagat Singh, Joginder Shukal and I left Muzaffarpur for Bettiah by the night train. We reached Bettiah about 9 or 10 A.M. Bhagat Singh, Joginder Shukal and I went towards the Udepur jungle and met P.N. Gosh on the way. We sat down some three miles from the station. Shortly afterwards Azad came up. Bhagat Singh admitted to P.N. Ghosh that he had received the revolver from Joginder Shukal and had handed it to the M.A. student. It was decided that Bhagat Singh and Joginder Shukal should go to Muzaffarpur and look for a place for action, and that Azad should stay at Rampur until the time for action should arrive. P.N. Ghosh said he was going to Calcutta for a few days. I went home. Bhagat Singh and Joginder Shukal went off for Muzaffarpur. After two days I took Azad from Babu Ram and put him up with Kapil Dev Roy at Ada Sarisia. I had enlisted Kapil Dev Roy in the revolutionary party. Three or four days later I took Azad from Kapil Dev Roy and put him up with Nanku Singh, a school master of Tunia, whom I had enlisted in the revolutionary party. Next I met P.N. Ghosh at Bettiah. Nanku Singh's age is rather more than mine. I gave back to P.N. Ghosh at his request the revolver without cartridges which B.N. Bhatacharya had given me.

By Mr. Justice Agha Haidar- I gave evidence in the Molania dacoity

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case against Nanku Singh and others before I gave evidence in the Court of the Special Magistrate.

Examination-in-chief continues. - Ex. P/122 is that revolver (witness picked it out from several revolvers and pistols). As there was delay in the return of Bhagat Singh I sent Kidar Mani Shukal to Muzaffarpur to enquire the reason from Jogindar Shukal. There was a scheme for an action at Sohnipur which did not materialize. Subsequently I sent four men to commit another dacoity in the neighborhood of Sohnipur. The dacoity took place, but no money was obtained.

After that P.N. Ghosh and I and several other persons of Bettiah went to the Calcutta Congress leaving on the 19th and arriving on the 21st December, 1928. First of all we stopped at the Arya Samaj Mandir, but later P.N. Ghosh arranged for us to stay at the Kailash Girl School, which is run by P.N. Ghosh's uncle. There we met Kanwal Nath Tewari and Bhagat Singh both of whom are accused in this case. There were long talks between P.N. Ghosh and Bhagat Singh. In those days Bhagat Singh showed his revolver and coat to P.N.Ghosh and the place where the coat pocket had been torn by the revolver. I also saw that tear in the coat and the revolver. Exh. P/487 is that coat. (Witness shows the Pocket with rubbed hole in it.) I attended the Congress meeting as a delegate. I also attended the conference of the Peasants Party as well as the Youth Congress. Exp.P/O.N. is a ticket of the Peasants Party Conference which bears my signatures by means of which I was admitted. Exh. P.O.N/2 is a copy of the address of the Chairman of the Youth Congress, which I brought away with me. On the 3rdJanuary, 1929, I and my other companions, except P.N.Ghosh left Calcutta. P.N.Ghosh remained at Calcutta.

26th May 1930 J. COLDSTREAM

P.W. 4. — Man Mohan Bannerji Approver (continues) on S.A.: —

From Calcutta I came first to Asansol where I had relatives and from there I went to Bettiah taking my sister. Eight or 10 days after reaching Bettiah I received a letter from P.N. Ghosh asking me to come to Calcutta. I left Bettiah on the 19th of January 1929 and reached Calcutta next day. I met P.N. Ghosh at his uncle's house. He said we had to go to Agra for a meeting of the party. P.N. Ghosh and I set out for Agra by the Sealdah express on the 22nd January. We arrived at Agra on the 24th January at 3 A.M. We stopped at a dharamsala near the Agra Fort Station. At the dharamsala P.N. Ghosh gave his name as Baroda Parshad, son of Bimla Parshad, caste Kaisth, resident of Muzaffarpur, and stated that I was his companion without giving my name. We did not meet any party member there. On the 25th January P.N. Ghosh and I took the 9 P.M. taufan mail from Agra City Station. I took a third class ticket for Asansol and P.N.

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Ghosh took a third class ticket for Allahabad. After three or four days I came to Bettiah, taking my sister from Barakar. That was about 30th or 31st of January.

On the 13th or 14th of April 1929, a letter of P.N. Ghosh asked me to come to Calcutta. I left on the 19th of April and arrived at Calcutta on the 20th of April. At the station I met P.N. Ghosh with whom was Kanwal Nath Tewari. They both took me to College Square where Mani Indar Bhattacharaya lived. Kanwal Nath, Tewari, arranged for me to stay with M. Bhattacharya.

Next day P.N. Ghosh took me to the Eden Garden. In front of the Eden Garden we met Kanwal Nath, Tewari, and B.K.Sinha. I refer to two of the accused in this case. These men were identified by me in the Court of the Special Magistrate. It was decided amongst us that B.K. Sinha should go to Bettiah with Kanwal Nath, Tewari, and that I should assist them there. B.K. Sinha said to me that there were many absconders in connection with the Lahore case and that action must be taken to raise funds for them. I said I would arrange for action there. After staying for some time at Asansol, I came on to Bettiah. I left the other three at Calcutta.

On the 20th or 21st May, Kanwal Nath Tewari met me at Bettiah. He took me to Hazari Bagh garden and brought B.K.Sinha there to meet me. B.K.Sinha pressed for early action owing to the need of money. B.K. Sinha asked me to send the newspapers to Kanwal Nath Tewari and that Kanwal Nath Tewari would send them on to B.K.Sinha. B.K.Sinha handed to me an air pistol and some darts and pins for practising with it. I identify Exh. P/477 as that Air Pistol.

By Court. The plate on the grip is broken which I was to mend and it had also other defects by which I identify it. I did not use it.

(Examination-in-Chief- Continues) Exh. P/673 is a box of slings like those handed over to me and which I have above described as darts. Exh. P/672 are eleven darts similar to those handed over to me which I have above called pins. I gave these articles at my house to Raghuni Chamar for custody.

On the 1st or 2nd of June I sent the file of newspapers to Kanwal Nath Tewari, by the hand of Raghuni Chamar. Kanwal Nath, Tewari was then in Bettiah. Raghuni Chamar returned and said to me that Kanwal Nath Tewari wanted to see me at the Bettiah Congress office. On the 3rd of June I went to the Congress office and met Kanwal Nath Tewari. I said to him that I was making arrangement for action at a very early date. I then went to Beriah and on the next day, the 4th Of June, to Bettiah. I met Nanku Singh there. I told Nanku Singh that the party was in great need of money and that some place for action should be chosen at an early date. I asked him to see me on the 5th of June in the Bettiah Congress office. I

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also said to him that I would meet him and Kanwal Nath Tewari, and come to an agreement for an action at Molania to be taken. I met Kanwal Nath Tewari, and Nanku Singh at the Bettiah Congress office on the 5th June. It was there decided amongst us that a dacoity should be committed at the house of a wealthy Keori of Molania. It was agreed that on the day of the proposed action I should not remain in my house but should remain at a place where I could be publicly seen. It was therefore decided that the dacoity should be made on the 7th of June. Kanwal Nath Tewari, said that in addition to himself he would provide two other men for the dacoity. It was decided that on the night on the 7th June all should meet at a tank near Chamania. I told Nanku Singh to tell Kapil Dev Roy to ask Gulali Sunar of Champatia to be at Bettiah on the 7th of June. I took steps to arrange for the meeting at the appointed place of Nanku Singh, Jogindar Shukal, Kidar Mani Shukal, Kapil Dev Roy, Gulali Sunar and Raghuni Chamar.

On the 6th of June I gave a sword to Raghuni Chamar. I identify Exh. P/818 as that sword together with its scabbard which was then covered with cloth. I had previously given him another sword to keep. When I had enlisted him in the party I had given him this sword in order to strengthen his determination. I gave him the second sword on the 6th June for the purpose of the dacoity on the next day.

On the 7th June, Nanku Singh came to my house. Jogindar Shukal also came there with a companion. I told Jogindar Shukal what had been planned. I then went to Raghuni Chamar and told him to take the two swords and a revolver and get to the appointed place, the tank at Chamania, with Kidar Mani Shukal. The revolver was the one which I had deposited with Raghuni after taking it from Jiwan Kanai Pal. I told him to obey the orders of Jogindar Shukal and the rest of the party. I identify Exh. P/815 as the revolver which Raghuni Chamar took.

By Court. - I identify it by the device on the grip.

Examination-in-chief (continues):- On the 7th June about 10 A.M. I went to Bukharia village to join the marriage procession of Jago Rao.

On the evening of the 8th June I came back to Beriah. Raghuni Chamar met me at my house. Raghuni Chamar told me that there had been a dacoity, at Molania and that Nanku Singh, Kapil Dev Roy, Kidar Mani Shukal, Gulali Sumar, Kanwal Nath Tewari, and two companions of his, Jogindar Shukal and one companion of his and he himself had participated in that dacoity at night. He also said that in the dacoity two men had been injured and a third man had been seriously wounded with a spear. He also said that of the dacoits the elbow of Kanwal Nath Tewari, had been cut by a sword which Kapil Dev Roy was weilding and that it had been bandaged up then and there. He said that much cash and ornaments had been looted. He said that Nanku Singh had got the cash

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and that some of the ornaments had been distributed. Raghuni brought to me the two swords and the revolver and also a large member of ornaments. Exhs. P/818 and P/819 are those two swords which he brought. Exh. P/819 is exactly the same as the second sword. They are the swords I had previously given to him. Exh. P/815 is the revolver which he brought. He said that it had been fired during the dacoity. Raghuni said that he had seen one of the swords being used by Kapil Dev Roy, but not the other.

I took up the following exhibits and examined them on that day, the 8th of June:-

Exh. P/820, silver peti,
Exh. P/821, silver necklace and
Exh. P/822, silver necklace.

These I now identify as brought by Raghuni.

There were several other ornaments of those brought by Raghuni which I then packed up in the flag, Exh. P/823 and which were exactly similar to the following exhibits before the Court:-

Exh. P/824, silver bracelets,
Exh. P/825, silver jhaba ghungridar,
Exh. P/826, silver tikka,
Exh. P/827, a pair of silver bracelets,
Exh. P/828, silver achhali,
Exh. P/829, one pair of silver armlets,
Exh. P/830, a silver hasli,
Exh. P/831, silver kan phul with chain,
Exh. P/832, silver hamail of nine beads,
Exh. P/833, silver bangles.
Exh. P/834, one pair of silver kan phul.
Exh. P/835, silver bohatta.
Exh. P/836, two pairs of ghundi of silver,
Exh. P/837, one broken silver bangle,
Exh. P/838, two pairs of silver bangles,
Exh. P/839, two pairs of silver bangles,
Exh. P/840, silver bangori,
Exh. P/841, one silver jhumka,
Exh. P/842, silver tikka with chain,
Exh. P/843 silver amulet, and Exh. P/844 Silver Amulet with two red beads.

After tying them in the flag I put them in a tin boxe and buried them in my Cattle Shed. Exh. P/845 is tin that box.

Exh. P/816 is the piece of iron which is the tray of the box. The flag I had at my house. I buried them in the presence of Raghuni Chamar. I told

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Raghuni that this was the property of the party and that if I should be arrested he should remove them to his own house. I told him to keep the two swords and the revolver with him then and there. All this happened on the 8th of June.

About the 10th June I sent Raghuni to fetch Rs.60 from Nanku Singh. This had been arranged by me with Nanku Singh that he should keep the cash, but I sent for Rs.60 in order to hand it over to Kanwal Nath Tewari. Raghuni brought Rs.60 and two gold ornaments, saying that Nanku Singh had made them over to him for me. They were two gold necklaces of both of which I cut the threads and mixed up all the beads of both together. I gave them over to Raghuni Chamar to keep. Exh. P/847 consists of the beads of both those ornaments which somebody else has now strung together again. There are 22 round beads and four long beads. I took the said Rs.60 and went to Kanwal Nath, Tewari I found him in a dharamsala near the Bettiah Raj Hospital. He had his arm bandaged. I handed him Rs.60 and told him to spend it on medicines for his wound. He told me that he had got B.K. Sinha to stay at a place distant from Bettiah and that B.K. Sinha had not participated in the dacoity. Kanwal Nath, Tewari, told me that his arm had been cut owing to a mistake of Kapil Dev Roy. He said that he himself had been holding one of the men belonging to the party that was being robbed at the time of the dacoity when Kapil Dev Roy aimed at that man and struck Kanwal Nath, Tewari. I then went to Beriah to my house.

On the 14th of June some Police officers came to my house to search for me. I concealed myself and avoided them. ***On the morning of the 16th June, I went to Bettiah Police Station on the advice of my mother given the day before.*** [Sukhdev's Remark 52 : To be carefully understood.] I was arrested and put in the Bettiah Jail. After three or four days in that Jail I was brought to Lahore. I was put in the Fort at Lahore and then in a lock-up there. About 4 or 5 days after my arrival in Lahore on being questioned by the Police I made a statement. The police then took me from Lahore back to Bettiah. In my statement to the police, I gave information which led to the recovery of ornaments that were in my possession and to the recovery of ornaments and arms which I knew to be in the possession of Raghuni Chamar.

From Bettiah I was taken to Beriah to search for Raghuni Chamar. I was taken back to Bettiah again because he could not be found at Beriah. On the way I saw Raghuni Chamar and pointed him out to the police officer. ***I told Raghuni to tell the truth to the Police.*** [Sukhdev's Remark 53: Influence of individuals rather than ideals.] I took the police to the place where the ornaments had been buried by me and pointed it out to the Police Officer. Raghuni dug the place up and there were found the ornaments of which the police took possession. The Ornaments were in

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the box. Exh. P/845 and the flag Exh. P/823. The ornaments thus recovered were the ornaments which I have already Identified, namely, Exhs. P/820 to P/822 and P/824 to P/844. They were taken out packed as I had packed them. After that Raghuni Chamar took the police in my presence to Nakehhedi Chamar and the sword Exh. P/819 was then obtained from Nakehhedi. Then Raghuni took the police to his house in my presence and produced from there the gold beads, Exh. P/847. Raghuni then in my presence went to a bamboo tree near his house and produced the sword. Exh. P/818 from a stack under a bamboo clump. Then Raghuni took the police to Parshadi Chamar in my presence and Parshadi brought out a box, Exh. P/848. Raghuni then opened that box and in it there were found an air pistol, Exh. P/477, with its slugs and darts, Exhs. P/672 and 673 and also an automatic pistol, Exh. P/814, with its cartridges. The cartridges were of the same type as Exh. P/817. The revolver Exh. P/815 was also found in the box with two cartridges resembling, Exh. P/816. In the same box there was another box containing some ornaments. Exh. P/849 is that smaller box. The ornaments in the box resembled Exhs. P/850 and P/851 and the gold nose button, Exh. P/852. All these articles were taken possession of by the police officers. At Calcutta I pointed out to a Magistrate the hotel occupied by Mani Bhatacharya and the meeting place at the Eden Garden. From Calcutta I went to Allahabad and there I pointed out to a Magistrate the house where I had visited J.N. Sanyal. Next at Agra I pointed out to a Magistrate the Dharamsala near the Agra Fort Station. Next at Delhi I pointed out to a Magistrate the Marhati Press and the Feroz Shah Tughlaq Fort where the meeting had taken place. I also pointed out to the same Magistrate the Observatory, the water pipe, the Secretariat, the Assembly Hall and the hotel where we had dined.

Next I was taken to Lahore and was again detained in the Fort lock-up. **On the 23rd and 24th June 1929** [Sukhdev's Remark 54: 24 June 1929/(not July)] my statement was recorded by a Magistrate. That was about eight or ten days after my arrival in Lahore. I was called to attend four or five identification parades. At one of them I picked out in the presence of the Magistrate Bijoy Kumar Sinha and at another Kundan Lal alias Partap. These parades were after the statement which I had made to the Magistrate. A pardon was tendered to me. I identify my signature on Ex. P.C.N. 3 accepting the pardon. After recording my statement the Magistrate read it out to me. The same statement was read out to me in the Court of the Special Magistrate. What the Magistrate read out to me was a correct record of my statement. That statement which I made to that Magistrate was a true statement.

I gave evidence at Motihari before a Magistrate and before the Sessions Judge about the Molania dacoity. Kanwal Nath, Tewari, was not one of the accused in the case at Motihari. I identified Kanwal Nath,

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Tewari, in the Court of the Special Magistrate at Lahore. He was in the dock of the accused.

By Mr. Justice Agha Haidar:- My examination in chief before the Special Magistrate, at Lahore lasted two days and a bit. The short day was the first one. I identified Kanwal Nath Tewari, in that court on the after noon of the 1st day of my evidence. I identified Bijoy Kumar Sinha there on the second day of my evidence. I identified Bhagat Singh there on the second day. At Allahabad we alighted at the Izzat Bridge Station.

R.O. & A.C.

27th May 1930. J. COLDSTREAM

P.W.5. — Hans Raj Vohra, son of Lala Guran Ditta Mal, Professor, Central Training College Lahore, 21 years, occupation student, on S.A. : —

I can express myself better in English then in Urdu and, if allowed by the Court, will give my evidence in Court in English.

(The evidence of this witness will be given in English and will be recorded in English at the dictation of the Court. An authenticated translation of that evidence in Urdu will be placed on the record. A memorandum of the substance of the evidence of the witness is also being made by the President of the Tribunal (see section 356 of the Criminal Procedure Code).

I passed my matriculation examination from the Central Model School, Lahore. While in school, I took special interest in History. During 1921-1922 the headmaster caned some students who took part in picketing school gates. He was an European. That created a deep impression on my mind. I began to think about the reason why those students were caned for their nationalistic tendency.

After passing my matriculation examination I joined the Forman Christian College, Lahore, in the year 1925. At that college I took special interest in politics and began to study the books of Mahatma Gandhi and Lala Lajpat Rai such as Lajpat Rai's "England's Debt to India" and Mahatma Gandhi's "Home Rule."

Sukh Dev, an accused in this case, was the brother of my uncle's wife, and I knew him owing to this relationship apart from any connection with the party concerned in this case.

(Prosecutor asks for the production of Sukh Dev in Court for identification by this witness. The matter is under consideration. Examination-in-chief to proceed.)

He used to visit our house ***but later on was disallowed by my father because of his political tendencies.*** [Sukhdev's Remark 55:

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Mama (maternal uncle)] We used not to talk politics at my house. I was once sitting on the tennis lawn of the Central Training College preparing for my Faculty of Science medical examination when Sukh Dev came to me and enquired about my mission in life. I told him that I wanted to serve my country through journalism. Later on he promised to give me some literature and help me in my study of politics. This first meeting was in August 1926.

Sukh Dev again saw me at the same place after a few days and gave me a book entitled "Collections from Bande Matram" written, most probably, by Arbindo Ghosh.

In our subsequent meetings we began to discuss about the futility of the Congress Programme and the necessity under special circumstances and the justification, both moral and political, of the creation of revolutionary parties. He told me that inasmuch as India had no constitutional means by which to determine her progress, we must necessarily resort to unconstitutional means. In these meetings he also gave me some other books, e.g. Cry for Justice by Upton Sinclair, Sedition Committee's Report, Life of Barrister Savarkar, Life of Mazzini, etc. By "unconstitutional means" we meant "pressure brought on the Government from outside the constitutional chambers". By "constitutional chambers" I mean the "Legislative Assembly and the Legislative Councils". We talked about the need of terrorising the Government following the example of Ireland.

My father is both Professor and Superintendent of the Central Training College Boarding House and I was, therefore, entitled to sit in the grounds of that establishment. The Central Training College and its hostel are quite close to each other. They are opposite the District Courts. My father was living in quarters near the boarding house provided for him as Superintendent of that boarding house.

After those meetings I have described we began to meet in other places such as the Gol Bagh, the University grounds and the canal bank.

At the end of November or the beginning of December 1926 Sukh Dev summoned me to the Lawrence Gardens where he showed me a yellow leaflet which was a printed copy of the constitution of the Hindustan Republican association. It related to the aims and objects of the association which was a secret association, and to the duties of its members and its officers. ***According to it the revolutionaries wanted to create a sort of Government within a Government.*** There were to be provincial heads under whom there were to be district organisers and local organisers. These provincial heads were to form a central body who were to guide the activities of the association. Sukh Dev asked me to read that leaflet and, after I had read it, I was told by him that I had been enlisted as a member of that association and that I would be required to abide by its rules.

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(Prosecutor states that he proposes to produce a copy of the said leaflet in due course. He cannot produce one at the present moment as the available copy has been exhibited in another case.)

I identified Sukh Dev in the Court of the Special Magistrate. He used to sit in the dock of the accused in that Court amongst the other accused.

After I had been enlisted a member of the Hindustan Republican Association, the same evening Sukh Dev told me that he would be going away, and that, in his absence, I should propagate revolutionary ideas by circulating revolutionary literature amongst students. He told me he would be away from Lahore for about two months. I did not again meet him for about that period. He gave me for distribution amongst students copies of those books which I myself had read and which had converted me to revolutionary ideas. According to his instructions, I did distribute literature to some of my friends during his absence.

After his return, perhaps in March 1927, I introduced Durga Das, Khanna, one of my class-fellows, to Sukh Dev, so that he might convert him to his creed and enlist him a member.

In April 1927 I appeared in the Faculty of Science medical examination and then proceeded to Simla for about two months. After my return from Simla at the end of August I read a number of articles, mostly in the Tribune, on the necessity of forming a Students' Union at Lahore. I was myself anxious for the formation of such a union at Lahore and I consulted Sukh Dev about it. He gave his consent and then I, with the help of some of my friends, for instance, Mr. A.C. Bali, Mr. Durga Das, Khanna, and Mr. Sampuran Singh, M.A., organised the union. It was named "The Lahore Students' Union." The object of the students' union was to preach the creed of nationalism. But my association with it was due to the fact that I wanted to create public sympathy amongst students for the revolutionary acts that might be committed by the revolutionary party later on and also to get a ready stock of men for that party.

I was elected the first secretary of the students' union and I succeeded in making about 400 or 500 members of the union. I carried on the propaganda of the union up to the middle of December 1927. After that one day I was told by Sukh Dev that, as I was not of very great help to the revolutionary party at Lahore because of the conflict of views with my parents. It was necessary to send me to some outside station. At that time he did not specify any outside station. I consented to go and I was told by Sukh Dev that I would be sent away on the 3rd January 1928. The same evening I was taken by Sukh Dev to a house situated in Gowalmandi in a street probably named Lachhman Gali. ***The house was locked and one key of it was given to me and the duplicate kept by Sukh Dev.*** The key was given to me in order to enable me to enter the house in the absence of Sukh Dev. I first visited the house, probably, and so far as I remember,

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on the 17th of December 1927. I began to frequent that house and I usually saw that the same house was being frequented by two of the members of the revolutionary party, namely, Bhagat Singh and Jai Gopal. It was Sukh Dev who told me that Bhagat Singh was a prominent member of that party. Sukh Dev also told me about Jai Gopal's connection with the party. Bhagat Singh is one of the accused in this case, and I identified him in the Court of the Special Magistrate. Jai Gopal is an approver in this case.

(Prosecutor asks for the production in Court of Bhagat Singh for identification by this witness. The matter is under consideration. Examination-in-chief to proceed.)

On the 3rd day of January 1928, Sukh Dev summoned me to that house. I went there and he told me that I shall have to go to Delhi and stay at the 'Viswani Ashram' and make search for a certain local student whose name I now forget. I was told to break journey at Amritsar. At the house Sukh Dev showed me a handbag and a suitcase. I saw the contents of the handbag consisting of revolutionary literature. The suitcase contained my clothes. I identify Exh.P/470 as that handbag. He went away saying that he would go to Amritsar by lorry and that I should follow him by train. He promised to meet me outside the Amritsar railway station. He left me about 1 P.M. I left by the 7 P.M. train for Amritsar taking the suit case and the hand bag with me. I met Sukh Dev outside the Amritsar station as promised by him. He was accompanied by a man whose name I subsequently learnt to be Master Agya Ram. He is an accused person in this case and I identified him in the Court of the Special Magistrate.

(Prosecutor asks for the production in Court of Agya Ram, accused, for identification by this witness. The matter is under consideration. Examination-in-chief to proceed.)

I do not identify any of these exhibits in the Court as having been seen by me at the Gowalmandi house.

At Amritsar we proceeded towards the house of Master Agya Ram. Sukh Dev stayed with us there for the night and in the morning went away saying he was going to Lahore. He promised to see me again at Amritsar within two or three day. Later he came back to Amritsar accompanied by Bhagat Singh who was carrying a revolver which revolver I had previously seen at the Gowalmandi house in the common possession of the party. (Witness being shown a box containing four revolvers and one pistol.) I identify ***Ex. P/200 as that revolver.*** Bhagat Singh also had three or four cartridges with this revolver. I identified this revolver before the Special Magistrate. They both stayed for one night with me. Sukh Dev told me that I was to go to Rawalpindi after two or three days instead of to Delhi. I was instructed to go to Satya Pal, Secretary of the local Arya Samaj at Rawalpindi, and to organize a local centre there of the revolutionary party.

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Bhagat Singh and Sukh Dev went away from Amritsar and I, after two or three days, proceeded to Rawalpindi by Bombay mail. Reaching Rawalpindi, probably, on the 9th January 1928, I went and reported myself to Satya Pal. Sukh Dev had told me that Satya Pal was a sympathizer of the revolutionary party. I put up with Satya Pal who was occupying a room in the office of the Arya Samaj. At Rawalpindi I assumed the name of Tirlok Nath which is not my real name. I entered that name in the visitors' register kept by a chaprasi of the Arya Samaj. I gave my father's name incorrectly as Shiv Dayal and gave an incorrect address also, probably, fruit merchant, Hall Bazaar, Amritsar. The object of my visit I recorded as for the purpose of seeing Satya Pal. Sat Pal and Satya Pal are one and the same name. I see the register P.B.T. and the entry therein P.B.T. 1. That entry is the entry which I made.

By Mr. Justice Agha Haidar.- Q.- Did you feel any compunction in putting these deliberate lies in the register?

A.- Inasmuch I was speaking a lie for a higher purpose I did not feel any compunction.

Examination-in-chief (continues).- The higher purpose to which I refer was the formation of a revolutionary centre. The object of my giving a wrong name was that I was expected to conceal my identity. I gave a wrong name having been asked to do so by Sukh Dev. The entry P.B.T. /1. is in my handwriting up to and including the date of arrival. The signature in the last column is also in my handwriting. Ex. P.B.T./2 is a piece of paper on which at the request of the Court I have written a duplicate of the signature made by me in that register.

The hand bag and the suit case I took with me from Amritsar to Rawalpindi together with their contents. The literature in the hand bag included the life of Mazzini and some pamphlets called "Appeal to the Young by Prince Kropotkin", some copies of Forward, some copies of the Volunteer and some copies of the People, etc.

I identify Exh.P/511 and Exh. P/511-A ("Appeal to the Young") and Exh. P/510 (Bande Matram Album). These are copies of the same publication which were in that hand bag. Exh. P/19, "What do you want?" by M.N. Roy in manuscript is the identical copy which was in the hand bag. As far as I remember Exh. P/19 formulated the demands of the Indian socialists.

I stayed with Satya Pal at the Arya Samaj mandir up to the 25th of January. A week after my arrival in Rawalpindi Sukh Dev visited me. He stayed with me for one day. He asked me to correspond with him at the address of Durga Das, Khanna, care of Mubarik Ali, Bookseller, inside Lohari Gate. He also promised to send me a helper from Lahore. He told me that he would be sending Jai Gopal to help me. On that day he and I bought the kulla similar to Exh. P/130-A which I identify as resembling it.

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We bought it for my use in order that I might wear the local dress. I used to wear this article for about 10 or 12 days. I have tried it on in Court and it fits my head.

Sukh Dev stayed with me for one day and went away that night. As he came to stay with me and not at the Arya Samaj Mandir no entry was made about his visit in the register. He did not stay the night. 5 or 6 days later Satya Pal also went away. A week later he returned to Rawalpindi bringing to me a letter from Sukh Dev, instructing me to rent a house and also telling me that Jai Gopal would come to me on the 25th of January 1928. I destroyed that letter. The letter, instructed me to receive him at the railway station on his arrival. According to the instructions in the letter, I rented a house in Hamilton bazaar. That was before Jai Gopal's arrival about the 20th of January. I entered into occupation of the house on the day of Jai Gopal's arrival, the 25th or 26th of January. I went to the station to receive him on the 25th. He came accompanied by Bhagat Singh. I took them to the house that I had rented. The rent of the house was fixed at Rs. 6 a month which I paid in advance. Bhagat Singh stayed for two or three days with me. *He gave me Rs. 10 and instructed me to visit libraries and colleges and acquire acquaintance with important student of the place.* ***During a talk he also told me that Bhagwati Charan was the first chief organiser picked out by professor Jai Chandra upon whom the hopes of that professor rested for the formation of the revolutionary party in the Punjab but that later on as some suspicions had been formed against Bhagwati Charan he had been expelled from the party.*** [Sukhdev's Remark 56: Bhagwati Charan I Chief Organiser]

I do not remember what clothes Bhagat Singh was wearing in those days. I began to visit the libraries and colleges and formed acquaintance with the Secretary of the same Arya Samaj, the Secretary of the Sewa Dal and one student Gopal Krishan whom I gave for study a book called "Bande Jiwan". With the intention of being self-supporting, I tried to secure tuition work with the help of Satya Pal. Satya Pal once took me to Gobind Ram, Cycle Merchant, Rawalpindi, who needed a Coach for his boys but I could not procure that post. There was a sikh gentleman living in the neighbourhood of the Hamilton bazar house. I stayed in that house. I stayed with Jai Gopal up to the 13th February 1928. On that day I read a letter in the Tribune Newspaper published by my father enquiring about me. On reading that letter I decided to return to my home that same day. I informed Jai Gopal of this intention and introduced him to Satya Pal so that Satya Pal might help him in my absence. I told Jai Gopal that I would discuss the matter with Sukh Dev at Lahore and if necessary send him another helper. I returned to Lahore taking the suitcase with me. The leather hand bag was taken away by Bhagat Singh on his departure from Rawalpindi but the Literature contained in the hand bag was left with me.

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On leaving Rawalpindi I took that literature with me to Lahore in the suit case. I deposited the suit case in the cloak room at the Lahore Railway Station. Two or three days after my arrival I saw Sukh Dev and told him my reason for returning and also what I had done with the suit case. He instructed me to take the suit case to the place of Agya Ram at Amritsar. I did so. I handed that suit case containing clothes and literature to Agya Ram personally at Amritsar. Those clothes were the common property of the party, the members of which did not believe in the right of private property. When I previously described those clothes as my clothes I meant that they were being temporarily used by me. Some of those clothes I left at Rawalpindi with Jai Gopal. I identify the coat Exh. P/486, as a garment left by me with Jai Gopal at Rawalpindi for his use.

I see an issue of the Tribune, dated the 10th of February 1928, containing at page 7 my father's letter already referred to. Exh. P. D. Z. is the letter in that issue.

Sukh Dev was angry with me at having left Rawalpindi so suddenly and gave up seeing me too frequently. On the arrival of the Simon Commission at Lahore perhaps on the 9th of March 1928 my house was searched. The police took away some receipt books of the students' union lying in my room. I appeared in my examination and then went with my father to Kashmir from July till the 12th of September 1928. *I then returned to Lahore and met Sukh Dev at the Tilak School of Politics at Lahore. During those days the first students' conference at Lahore was to be held. I and my friends helped to make it a success.* After the conference perhaps in November Sukh Dev introduced me to Kishori Lal who was then residing in the Gurudutt Bhawan. Kishori Lal is an accused in this case whom I identified in the Court of the Special Magistrate.

(The Prosecutor asks for the production of Kishori Lal, accused, in the Court for identification by this witness. The matter is under consideration. Examination to proceed.)

The object of introducing me to Kishori Lal was that I might obtain revolutionary books from him. On my return from Rawalpindi the police had been following me and I could not therefore place revolutionary literature in my own residence. The idea was that I would either place the books with Kishori Lal or take them from him. When introducing him Sukh Dev told me that Kishori Lal was a member of our party. By this I mean the revolutionary party.

On the 1st December 1928 Sukh Dev summoned me in the evening at the Lawrence Gardens and from there he took me to the Mozang house situated in Mozang, Arian Building. He did not tell me anything about the house. **I found there members of the Punjab group and also members of the U.P. group of the revolutionary party. Amongst the Punjab members were Bhagat Singh, Sukh Dev, Kishori Lal and Jai Gopal.**

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The appearance of Bhagat Singh at that time had been changed, he being without kes or beard.

One of the members of the U.P. group present there was called Panditji. Others of that group were Mahabir Singh, Rajguru and another man with short stature and dark complexion whose name I never learnt I came to know the names of Mahabir Singh and Rajguru after the identification parades during the investigation. Both Mahabir Singh and Rajguru are accused in this case who were identified by me in the Court of the Special Magistrate.

(The Prosecutor asks for the production of Mahabir Singh and Rajguru, accused, in the Court for identification by this witness. The matter is under consideration. Examination to proceed meanwhile.)

By Court.- I did not speak to Rajguru at that house. I did not hear him speaking on that day.

Examination-in-chief (continues).- I was present at that house for 20 or 25 minutes. Bhagat Singh told me there that the party wanted to resort to some action and for that purpose they had summoned some of the members of the U.P. That is all I was told that day.

(At this stage Jai Gopal, P.W. 2 having been brought into court). I identify this man just brought into court as Jai Gopal mentioned by me in the evidence.

Bhagat Singh asked me to come to the same house on the 3rd December. I did so. I found present there all the persons above named except Jai Gopal. A meeting was held during which Pandit Ji opened a box in which were lying four or five revolvers, one automatic pistol and one Mauser pistol. One of them was Exh. P/200 already identified by me. Another was Exh. P/122. Another was Exh. P/202 and Exh. P/480 is the automatic pistol. I do not see that mauser pistol in court. He explained to us the method of loading and unloading these arms. About half an hour later I left the meeting and I did not that night learn what was decided. Pandit Ji had asked to come agian on the morning of the 4th December. I did so at the time named and Pandit Ji told me that the party needed money and that for that purpose they had decided to commit a raid on the Punjab National Bank. Pandit Ji explained to me the plan that was to be adopted. The plan was that Bhagat Singh and Mahabir Singh were to procure a lorry and reach the Punjab National Bank at 3 p.m. I with the help of another U.P. member, whose identity I forget, were to thrust the Chaprasi who sits outside the Secretary's room into that room and prevent him from coming out again. I was to give him a visiting card to be delivered to the Secretary so as to get him into the room and then to prevent him from coming out by show of weapon. Two members were to snatch the gun from the National Bank Chaukidar. Pandit Ji was to over power the cashier. Jai Gopal and Kishori Lal were to collect the currency notes that

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were scattered on the counter and put them into two cloth bags with which they were provided. Bhagat Singh was to be general supervisor. Pandit Ji was to give a whistle on the first sound of which all the members were to gather at their respective posts in and round the bank. On the second round of the whistle the work was to begin and on the Third Whistle all members were to gather round the taxi. Previously I mentioned that a lorry was to be brought.

I should now like to say that it was to be a taxi. Panditji or Mahabir Singh were to drive the taxi. The taxi driver was to be left at the bank premises and the taxi was to be left on a byway near the Medical College Hostel. I do not remember who was to snatch the chowkidar's gun. Such was the plan. I was told about this plan between 10 and 12. I remained at the Mozang house until 2-30 P.M. At 2 P.M. arms were distributed. I took a small revolver with a safety catch at the top. Exh. P/122 is that revolver.

By Mr. Justice Agha Haidar.- I understand to some extent how to handle and fire such a revolver. Panditji had taught me this on the 3rd December. I know the theory of it but have not actually fired a revolver.

Examination-in-chief (continues).- It had been planned that Bhagat Singh should take the revolver, Exh. P/200, but I actually did not see him taking it. I do not remember which of the other arms in Court were actually taken by whom. Exhs. P/87 and P/484 are the two bags which were to be taken by Jai Gopal and Kishori Lal. Exh. P/485 is the turban which I saw Bhagat Singh wearing on that occasion at the Mozang house.

At 2 P.M. Mahabir Singh and Bhagat Singh were sent away to procure the taxi. The rest of us reached the bank at about 2-30. We waited there for the taxi which did not turn up and instead Mahabir Singh returned in a Tonga at about 3 P.M. He signalled something to Panditji who then asked us to go back to the Mozang house. We all went to the Mozang house where I stayed until 4 P.M. ***Panditji told me that as the taxi could not be procured the execution of the plan had been postponed.*** We returned to Panditji the arms which we had been carrying.

I identify the watch, Exh. P/124 which I borrowed from a friend of mine Mr. Dipak Bhatia, for the use of Sukh Dev and gave it to him in November 1928.

On the 5th of December 1928 I went to the Mozang house and found Bhagat Singh to be absent. I again went there on the 7th of December and found that Bhagat Singh had returned there with two new members named Bijoy Kumar Sinha and Bhagwan Das. I was told by Bhagat Singh that he had been to the U.P. to get some money and that he had brought Rs. 200. B.K. Sinha is an accused in this case whom I identified in the Court of the Special Magistrate.

(The Prosecutor asks for the production of B.K. Sinha, accused, in

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Court for identification by this witness. The matter is under consideration. Examination to proceed meanwhile.)

During my visit on the 5th December when Bhagat Singh was absent other members were present, namely, Sukh Dev, Panditji, Kishori Lal and Rajguru. Those are all whom I saw there.

By Court.- I did not succeed in identifying Bhagwan Das during the investigation. It was after the identification parade that I learnt the name of Bhagwan Das. I do not know except from information given to me during the investigation that the second man who came with Bhagat Singh to the Mozang house was Bhagwan Das. I am certain that two men came with Bhagat Singh to the Mozang house and one of those men I subsequently picked out at an identification parade and I now know that his name is B.K. Sinha.

By Mr. Justice Agha Haidar.- The Magistrate used to call the names of the accused at the identification parades. At the close of the parade I heard the Magistrate stating the name of the accused persons who were paraded. That is how I came to know the name of Bijoy Kumar Sinha. I was told by the police officer after the identification parade that I had not been able to identify Bhagwan Das.

I was told by the police officer that the man who came with Bijoy Kumar Sinha to the Mozang house was Bhagwan Das. He told me so after the parade.

By Mr. Justice G.C. Hilton - I did not pick out any wrong man. I merely failed to pick out any one whom I could identify. That was a different parade from that at which I picked out Bijoy Kumar Sinha.

By Mr. Justice Agha Haidar - In the parade in which I failed to pick out anybody I now know that Bhagwan Das was being paraded.

(Witness volunteers.)

Bhagat Singh came to Lahore with two persons one of whom I identified and I later came to know of his name as Bijoy Kumar Sinha. The other person I did not succeed in identifying and I was told that I had not succeeded in identifying an accused whose name was Bhagwan Das and whose mention I have already made in my statement. This information was given to me by the police officer after the parade and I was also told by him about the name of Bhagwan Das.

By Mr. Justice G.C. Hilton.- If I were now confronted with the companion of Bhagat Singh whom I have named Bijoy Kumar Sinha, I could now identify him. I did so in the Court of the Special Magistrate.

Examination-in-chief (continues).- I continued visiting the Mozang house until the 17th of December 1928. I had ceased to attend my college from 2nd to 14th December because Sukh Dev had told me that I might be required to leave Lahore.

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On the 15th December Sukh Dev met me near the Government College and took me to the Mozang house. There Bhagat Singh showed me some pink coloured typed posters the heading of which was in pink print. Their bottom corners were printed, on one side with the date and on the other with the word "Commander-in-Chief." I read the posters. The heading of the typed part of the posters was "Scott is dead. Lalaji is avenged." The heading of the poster in pink print was "The Hindustan Socialist Republican Army." *At that time Panditji, Sukh Dev, Mahabir Singh and Kishori Lal were present in addition to Bhagat Singh. I cannot remember whether the others were present or not on that occasion. Exh. P/442 is a sample of the form similar to that poster. The purport of the contents of the poster shown to me by Bhagat Singh was that the murder had been committed by the revolutionary party. Bhagat Singh and Panditji had told me that the party had decided to murder Mr. Scott for showering lathi blows on Lala Lajpat Rai which was a sort of challenge to the revolutionary party. I agreed to the proposal to shoot Mr. Scott dead.*

I was instructed by Sukh Dev to attend the college on the 15th December in order to show my presence there. I did attend the college from 1 P.M. to 3-30 P.M. I appeared in English Composition examination that day.

On the 16th December I again went to the Mozang house at 3-30 P.M. I found only Mahabir Singh there and he told me that the others had gone to a meeting at the Bradlaugh Hall in memory of the Kakori martyrs.

On the 17th December about 11 A.M. I again went to the Mozang house and stayed about an hour there. I found Pandiji,'Bhagat Singh, Sukh Dev, Rajguru and Kishori Lal present there.

By Court.- The members of the party took every precaution against detection by the police.

Examination-in-chief. (Continues). - I saw Bhagat Singh copying in his own hand the contents of the typed posters on the blank forms of the pink posters. At his request I copied there or four posters. I see Exhibits P.A.X., P.A.X/1, P.A.X./2, PA.X../3, P.B.Q., P.B.Q./1, P.B.Q./2 and P.B.S. So far as I can judge out of these the following posters appear to have Bhagat Singh's writing on them :-

Exhibits P.A.X., P.A.X./1, P.A.X./2, P.A.X./3, P.B.Q., the two signatures in green and black ink on P.B.Q./1 and the writing on P.B.S. None of these was written in my presence.

By Mr. Justice Agha Haidar.- I am certain in my mind that these are in the hand-writing of Bhagat Singh. The only occasion I saw Bhagat Singh writing was on the 17th December when he was copying the posters. At that time I did not scrutinise his handwriting. He and I were sitting quite close to each other at that time.

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Q. - *After joining the party were you frank with the members of the party in matters relating to the affairs of the party?*

A. - *As a general rule the leaders of the party did not give any information to the subordinate members unless that information directly concerned them, while the subordinate members were expected to give every information and not to keep any secret from the leaders.* [Sukhdev's Remark 57: Very Important.]

Q. - Did you act up to this principle?

A. - As far as it was possible for me I acted up to this principle.

The members were not expected to exchange their information with each other except with the leaders. I could speak frankly about any matter with Bhagat Singh or Sukh Dev but not with Jai Gopal or Kishori Lal or Rajguru who were ordinary members. I was frank with the leaders and kept nothing from them. I told them that, after my return from Rawalpindi, I was shadowed by the police. In spite of that they decided to take me to the bank raid. [Sukhdev's Remark 58: Nonsense.]

Q. - Was the plot for the assassination of Mr. Scott communicated to you ?

A. - It was not fully communicated to me. Only some of it was given because it was expected that I would be arrested.

Q. - In spite of your being shodowed by the police did they divulge to you a part of the plot?

A. - They did so for the very reason because I was being shadowed by the police and because my arrest was expected. The object of divulging a part of the plot was that I might remain firm and realise my responsibility as a member.

By Mr. Justice Hilton - I was particularly being shadowed at the time of the visit of the Simon Commission to Lahore, but afterwards surveillance slackened. That was in the month of December. I am quite certain that no police officer followed me to the Punjab National Bank.

By Mr. Justice Agha Haidar - It was the plain clothes police officers who shadowed me. Surveillance never remained secret for very long. I do not think it ever remained secret from me except at the beginning till I became accustomed to it. I always knew when I was being followed and when not. I used to be followed by different C.I.D. men.

By the Prosecutor.- Whenever I had to go to the Mozang house or to visit any member of the party I took precautions to avoid being followed by the C.I.D. official. On other occasions I never took any precautions. I took such precautions as the use of back doors.

At this stage Mr. Justice Agha Haidar expressed the following opinion:-

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In my judgment the answers given to my question by the witness were perfectly clear and did not require any further elucidation. The questions which I put to the witness were in the interests of justice and in order to get at the truth as far as possible. I do not think it is necessary at all in the interests of justice and having regard to the provisions of section 165 of the Indian Evidence Act to grant permission to the Public Prosecutor to put any cross-questions arising out of the answers given to the questions put by me to the witness. It shall be open to the learned President and my brother Hilton to put such questions as they might consider desirably.

Mr. Justice Hilton.- As the questions were actually put and the answers recorded after a statement made by the Prosecutor that he intended to put such questions, I think the answers already given and recorded should remain on the record and the permission, if necessary, to put those questions should be taken as having been granted.

The Hon'ble President, Mr. Justice Coldstream.- I agree with Mr. Justice Hilton.)

Examination-in-chief (continues).- The difference between the posters copied out in my presence and *Ex. P.A.X. is that the heading of the posters copied out in my presence was "Scott is dead" while the posters Ex. P.A.X. has the name of J.P. Saunders instead of Mr. Scott. The same is the case with Ex. P.A.X./1. and others of the exhibited posters.*

I next went to the Albert Press to get copies of the new year's prayer which I had given for publication. These were for distribution amongst students in connection with the propaganda work of the students' union. I obtained a few copies of the same and went back to the Mozang house at about 12-30 P.M. It was then that *I was told by Panditji that Bhagat Singh, Jai Gopal and another U.P. man and Panditji himself would execute the plot of Mr. Scott's murder. Panditji told me that he would make use of the Mauser pistol and that Bhagat Singh would use the automatic pistol.*[Sukhdev Remarks 58; Non sence] I do not remember about the third man what weapon he was to get. I do not know whether any other member overheard what Panditji was saving to me. But Bhagat Singh and Sukh Dev were also seated separately with Panditji and myself at that time. The U.P. man referred to was at the house. I saw him but I did not know who he was. After the identification parade I came to know his name as Rajguru, I picked him out at the identification parade. I can identify him now if confronted with him. I also identified him in the Court of the Special Magistrate. Panditji also informed me that they were to go and return on bicycles.

I went home at about 1-30 P.M and stayed there till 5 P.M. I then started out and met Mr. Durga Das, Khanna. He and I reached the

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Government College Boarding House in front of which I saw a large crowd gathered. On enquiry we learnt that Mr. Saunders and Chanan Singh had been murdered by somebody.

By Mr. Justice Agha Haidar.- I was never informed at the Mozang house regarding the locality of the murder. I passed by chance the place where the crowd was and not intentionally.

Examination-in-chief (continues). - Durga Das, Khanna, and I separated and I went home. I went home to await my arrest. We expected that, after the murder, active political workers would be arrested. That is why I anticipated my arrest.

At about 8 P.M. on the 17th December, i.e., the night of the murder, my house was searched and I was arrested. I remained in police custody for about seventeen days and was released on Rs. 10,000 bail on the 3rd January 1929. According to the expectations of the party, I refrained from divulging any information concerning the murder of Mr. Saunders during that detention. On the 17th December at the Mozang house Bhagat Singh was wearing a Patti coat. Ex. P/487 is that coat (picked out by the witness out of three coats). He was wearing knickers and a muffler. Ex. P/504 is that muffler (picked out by the witness out of two mufflers). Panditji was wearing an almond-coloured turban on a kulla and a warm coat and shilwar. It was the same as or very like the kulla Ex. P/130-A. Rajguru was wearing a pair of Fleet shoes which was the most conspicuous thing about him. Jai Gopal was not present at the Mozang house when I was there that day.

After my release on bail I saw Sukh Dev at the Tilak School of Politics. He told me that he was urgently wanted in the U. P. and that he was staying at Lahore only on my account. He congratulated me for having remained firm while in police custody. When I questioned him about the details of the Saunders murder he gave me no satisfactory reply. After thar Sukh Dev used to remain mostly in the United Provinces and he and I did not often meet each other.

In the middle of March 1929 I met him again at the Tilak School of Politics and expressed a desire to see Bhagat Singh. He then took me to another house in Gowalmandi and there I saw Bhagat Singh with a number of iron shells lying on the floor. I asked Bhagat Singh what they were and he said they were bomb shells. He explained to me the method of preparing bombs for action. He said that the bomb-shells were filled with picric acid and potash, that a bit of phosphorus was placed on the top and a piece of gun cotton put into the small hole of each bomb-shell at the top and that when the striker strikes the phosphorus it ignites the gun-cotton from which the picric acid and potash catch fire and the bomb explodes.

(The Prosecutor shows the witness a box containing six bomb-shells.) Those bomb-shells which I saw with Bhagat Singh were of the

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same pattern as Ex. P/4. As Bhagat Singh had to go out I stayed there only for about 20 or 25 minutes.

By Mr. Justice Agha Haidar.- On that occasion I also had some conversation with Bhagat Singh about the Saunders murder. I do not remember what else we talked of together.

By Prosecutor with the permission of the Court. - Bhagat Singh said that the police were searching for the culprits in the Saunders case in the United Provinces and Bengal, and that we should remain firm.

By Mr. Justice Agha Haidar.- Bhagat Singh volunteered this information. After stopping for 20 or 25 minutes I went away without any further talk. On seeing Bhagat Singh my desire to see him had become satisfied.

28th May 1930. J. COLDSTREAM.

Hearing adjourned till 9 A.M., Thursday the 29th May 1930. Accused remanded to custody to be produced in Court to-morrow.

28th May 1930. J. COLDSTREAM.

P.W. 5. - Hans Raj, Vohra (approver) continued on S.A.:-

(Witness shown a box containing four revolvers and one pistol.) I was told by Panditji that for the murder of Mr. Scott ***Bhagat Singh was to make use of the pistol Ex. P./480.*** I have already identified this pistol at this trial as having been seen by me on another occasion. Panditji gave me this information between 12-30 and 1-30 P.M. on the 17th December 1928.

Two or three days after the Delhi bomb incident, perhaps on the 10th April 1929, I met Sukh Dev on the canal bank. He showed me two photographs-one of Bhagat Singh and the other of B.K. Dutt. He told me that the party had decided that Bhagat Singh and B.K. Dutt should offer themselves to the police after the act of throwing bombs in the Assembly. ***He said that the party had decided this in order to show our protest, i.e., the protest of the revolutionary party, against the unjustifiable provisions of the Trade Disputes Bill and the Public Safety Bill that were being discussed there at the time. Sukh Dev also said that the party had no intention of taking the life of any person in the Assembly and that for that reason the bombs had been intentionally kept weak so that if any harm should come to the Government benches it should not extend up to the Congress leaders in the House, i.e., the Swaraj party. He further told me that the party had decided to offer Bhagat Singh and Dutt to the police so that they may be able to expound through a statement in Court the revolutionary***

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creed and philosophy. I understood at that time and even before that Bhagat Singh and Dutt had been arrested.

By Mr. Justice Agha Haidar-

Q. - Was the news of Bhagat Singh and Dutt being arrested and their not offering resistance at the time public property?

A. - The news that Mr. Bhagat Singh and Mr. Dutt had been arrested and that they did not offer any resistance at the time of their arrest had already become public property.

Q. - *What was the occasion for Panditji to tell you that this particular pistol (Ex. p/480) should be used by Bhagat Singh for the murder of Mr. Scott ?*

A. - *He gave me this piece of information on the 17th December 1928. There was no particular occasion for it.*

[At this stage the Government Advocate said as follows:-

"I am not sure that the witness understands the question by Your Lordship. The word 'occasion' has two meanings- one being 'time and place' and the other being 'reason'.")

Witness - I do not know the reason as to why I was given this piece of information. I have already stated the time and place when I was given it.

Q. - After telling you that Bhagat Singh was to use the particular pistol did not Panditji mention to you the weapons which the other members of the party were to use.

A. - No.

Q. - Did not Panditji tell you the names of the party members who were to take part in the murder of Mr. Scott?

A. - I have already given the names in my evidence, namely, Panditji, Bhagat Singh, Jai Gopal and another U.P. member.

[The Prosecutor asked permission to put one question to the witness in connection with the Court questions just asked and answered. The witness having temporarily left the Court the Prosecutor explained the question that he wished to put to the witness, i.e. "Did Panditji say what he himself would carry for the murder of Mr. Scott?"

(Question allowed by the Court).

The witness having been recalled into Court, the above question was put to him.

Witness - I have already had it recorded in my evidence that Panditji was to carry a Mauser pistol. That Mauser pistol is not exhibited in Court.

Examination-in-chief (continues) - (Witness shown two photographs) I identify the photograph Ex. P/231 as the photograph of Mr. Bhagat

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Singh. I was told by Sukh Dev that the photographs. Ex. P/229. was the photograph of B.K. Dutt.

15 or 20 days before I met him on the canal bank Sukh Dev told me that Bhagat Singh and Rajguru had been sent away after the Saunders murder to Agra side on the 20th of December 1928, Bhagat Singh travelling second class and RajgurFI was told u in the servants' class. Sukh Dev also told me that Panditji and Kishori Lal had been sent away to Mathra side on the 25th December 1928 with Sukh Dev's mother and sister. [Sukhdev's Remark 59: Important.]

By Mr. Justice Agha Haidar -

Q. - You said yesterday that the party did not confide in you their inner secrets?

A. - I did not say that. What I said was that they did not confide in me every secret.

Q. - What were the secrets which they did not confide in you?

A. - How can I know what they did not tell me?

Q. - Could you make a shrewd guess as to what secrets they did not confide?

A. - All I can say is that they did not tell me the details of the Saunders murder.

Q. - How can you say that they kept anything from you?

A. - I have already told that they did not tell me the details of the Saunders murder and from that I can conclude that they did not tell me everything.

Q. - Did the keeping away from you of the details of the Saunders murder come to your knowledge after the murder or before the murder?

A. - Before the murder.

Q. - Did you protest that you were not being let into the secrets?

A. - I was not expected to protest, nor was I expected to ask any such searching questions from them according to the discipline of the party.

Q. - What was the occasion for Sukh Dev to let you into the secrets of the places to which the various alleged murderers were sent by the party?

A. - There was no particular occasion that I can allude to.

Q. - ***Was it a case of pure and simple outburst of confidence?*** [Sukhdev's Remark 60: Shrewdness of the judge.]

A. - Yes.

Examination-in-chief (continues).- Two days after the canal bank meeting Sukh Dev, Kishori Lal and Jai Gopal were arrested from the

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Kashmir Buildings. I was rearrested on the 2nd of May 1929. I saw the accused persons in this case in the Court of the Special Magistrate. Some of those accused persons I have already mentioned by name or by description in my evidence. There is also one named Prem Dutt. I saw him in the room of Kishori Lal in Gurudutt Bhawan at Lahore in November 1928. He was a member of the party. ***It was Sukh Dev who had told me that Prem Dutt was a member of the party.*** **If now confronted with Prem Dutt mixed up with other people I can identify him.** [Sukhdev's Remark 61: X] I did identify him in the Court of the Special Magistrate.

I have also seen Des Raj, an accused in this case, with Sukh Dev in the Tilak School of Politics Library. ***I was told by Sukh Dev two or three times in the month of November 1928 that Des Raj was a member of our party.*** **But I had nothing to do with him.** [Sukhdev's Remark 62: X] I can identify Des Raj if he were mixed up with other people and confronted with me. I have already identified him in the Court of the Special Magistrate.

(Prosecutor asks for the production in Court of Prem Dutt and Das Raj, accused, for identification by this witness. The matter is under consideration. Examination-in-chief to proceed.)

Examination-in-chief (continues.)- Q. (By Prosecutor)- Please identify the articles lying in the Court, if you can, and say what you know about any of them ?

A. - These books Exhs. P/28, P/29, P/364, P/159 and P/508 are books which were given to me by **Sukh Dev** to be deposited with Mr. Hari Chand, M. A., student, Central Training College, Lahore in November 1928. I did deposit them. Exh. P/360 is a book which **Sukh Dev** once gave me for study. So also was the pamphlet Exh. P/26. Exh. P/26 are six copies of a pamphlet. A copy of this pamphlet was given to me by **Sukh Dev** for study.

Exh. P/406 is a book. I gave this book to Bhagat Singh in the Mozang house for him to study.

Exh. P/420 is a book. I saw this book in the Mozang House.

Exh. P/493 is a hat seen by me in the Mozang house. Exh. P/298, Sola Khaki hat, seen by me in the Mozang house. Exh. P/343 is a handkerchief seen by me in the Mozang house. Exh. P/167 is a muffler given by me to **Sukh Dev** and also seen by me at the Mozang house. Exh. P/482 is a coat seen by me at the Mozang house. Exh. P/506 and P/506-A, two copies of a Presidential Address, were recovered on 2nd May 1929, from my house. They were in my possession. I got them from the Tilak School of Politics Library. Exh. P/475 is the knife seen by me at the Mozang house.

I had seen **Sukh Dev** wearing the coat, Exh. P/482. The hat Exh. P/493, used to be worn by Bhagat Singh.

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By Mr. Justice Agha Haidar - I also saw pictures of Bhagat Singh wearing this hat. I have also seen this hat being worn by Bhagat Singh in the Photo, Exh. P/231, shown to me this morning.

Examination-in-chief (contines).- I see the document, Exh. P. A. K/7 (two sheets). It seems to me to be in the handwriting of Bhagat Singh.

I see Exh. P.A.K/8 (5 sheets).It seems to me to be in the handwriting of Bhagat Singh.

I see Exh. P/137 (Three Sheets). This letter seems to me to be in the hand writing of Bhagat Singh. I do not know anything about this letter.

I see Exh. P.E.P. (one sheet). This seems to me to be in the handwriting of Bhagat Singh.

As stated already in my evidence I had seen Bhagat Singh writing.

Subsequent to my arrest, I was tendered a pardon, the conditions of which I accepted. I identify my signature, accepting it on Exh. P.B.U. I made a statement to the City Migistrate, which he recorded. Exh. P.B.U./1 is the Magistrate's record of my satement, which I have signed on every sheet. At the request of the City Magistrate I signed it after it had been read over to me. It was a correct record of what I stated. It is a true statement. It was again read out to me in the Court of the Special Magistrate. The pardon was tendred to me on the 18th of May. I made my statement to the Magistrate probably on the 21st, 22nd and 23rd May.

Q. - *By Prosecutor.- Previously when you were arrested on the 17th December 1928, inspite of the fact that you were in the Police custody for 17 days you did not divulge any secret of the party. This time you made the statement shortly after you were arrested, what are the reasons?*

A. - I should like to submit before this Tribunal a statement giving my reasons by which I was guided to give a statement before the Police and accept a pardon.

[Opinion of Mr. Justice G.C. Hilton.- *The question is one, the object of which is to test the veracity of the witness, and it should not be allowed to be put in examination-in-chief.]*

[Opinion of Mr. Justice Agha Haidar.- It is not open to the prosecution to put this question to the witness.

The question is disallowed.]

R.O. & A.C.

29th May, 1930. J. COLDSTREAM.

P.W. 5— Hans Raj Vohra (approver) continued on S.A. :-

The Hon'ble President.-

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Q. - Did you get to know and speak to Raj Guru, and, if so, in what language?

A. - Yes. He spoke in Hindi. He understood the language we all talked to each other- a mixed language, not Urdu.

Q. - What do you mean by Urdu?

A. - Urdu contains more Persian and Arabic than Hindi does.

R.O. & A.C.

29th May 1930. J. COLDSTREAM.

(PW.5 also made statement on 7.7.19300

P.W. 6—Lalit Kumar Mukerji, son of Harindar Krishan Mukerji, Bengali Brahman, 23 years, and six months, of Allahabad, on S.A. [Sukhdev's Remark 63: Of little importance.] :-

I prefer to give my evidence in English. (The witness is allowed to give his evidence in English. The same procedure is adopted as in the case of P. W. 5 Hans Raj, Vohra.)

My father is an Advocate of the Allahabad High Court of 38 years practice. I was educated at Allahabad. I passed my intermediate examination in 1925 from the Ewing Christian College. I next took the B.Sc. degree in 1927 from the Teaching University, Allahabad. I was an M.Sc. student in Chemistry afterwards at the Teaching University in the 1927-28 session and in the 1928-29 session. I had not passed the M.Sc. final examination when I was involved in this case. My views regarding the revolutionary work were first formed by Bhupinder Nath Sanyal, with whom I had acquaintance. When I was a student in the second year in 1925 he was a student in the 3rd year. In February 1925 it became known to me that his elder brother Sachindra Nath Sanyal, had been arrested under the Bengal Ordinance. I went to the house of Bhupinder Nath Sanyal, in Mohalla Chak, a house which I subsequently pointed out to a Magigtrate, and expressed my sympathy to B. N. Sanyal on account of the arrest of his brother. B. N. Sanyal said that his brother had been arrested in the service of the country, and that it was his own duty to fulfil the mission for which his brother had been arrested. He said he would need the help of his friends in the matter. He asked me for my help. I said I was prepared to help, but that he should tell me in what way he needed my help. He then gave me a book named Bande Jiwan in two volumes to read. This book was written by the above-mentioned S.N. Sanyal. After my examination in March I read this book, which was in Bengali. It inculcated in me a spirit of sympathy towards the revolutionary movement. After reading it I had a conversation with B.N. Sanyal. After conversation with him I came to adopt the view that liberation of the country should be brought about by means of armed revolt. I got myself enlisted in the

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Hindustan Republican Association, the object of that Society being liberation of the country by armed revolt. I took the view that **men, munition** and **money** were needed for the armed revolt. I asked B. N. Sanyal to give me other books to read. On his advice I went to the Public Library and there I read a book called "French Revolution" by Carlyle. This was in the summer vacation of 1925, i.e., June or July. When B.N. Sanyal returned from his vacation he gave me another book in Bengali, the translated name of which is **"The history of national movements in India."** ***In this book was given the history of all national Indian movements, including revolutionary movements.*** [Sukhdev's Remark 64: A book of this type was needed in Hindi also.] I studied this book and grasped the situation of the country. Up to the arrest of B. N. Sanyal in December, 1925, I did not form the acquaintance of any other revolutionary as such. I was acquainted with J. N. Sanyal, but I subsequently learnt that he was a member of the revolutionary party. I later learnt his full name to be Jatindra Nath Sanyal. J.N. Sanyal is an elder brother of B. N. Sanyal. In the Court of the Special Magistrate I identified J.N. Sanyal in the dock of the accused. He is an accused person in this case.

(The Prosecutor asks for the production of this accused for identification by this witness in Court. The matter is under consideration. Examination to proceed)

About a month after B.N. Sanyal's arrest I went to J.N. Sanyal's house in Colonel Ganj and expressed my sympathies for B.N. Sanyal's arrest. B.N. Sanyal having been arrested in December 1925, in connection with the Kakori case. At that time I knew him as Mr. Sanyal. **He told me that many families had been ruined by the Kakori case, and that he was raising subscriptions for relief of those families and for help in the case.** [Sukhdev's Remark 65: J.N. Sanyal's mentality] I told him that I was an admirer of the party of B.N. Sanyal, and had been enlisted as a member in that party. I gave a subscription of Rs. 3 from my pocket money on that occasion and promised to pay more later. I also met Mr. Sanyal at the Indian Press where he was employed and also at the party meetings mostly in the Alfred Park. I had gone to the Press with the proof of two law books that my father was writing in the summer months of 1926 and 1927. I continued my subscription to J.N. Sanyal's fund during the summer vacation of 1926 and 1927 and also during the College session of 1926-1927 and of 1927-1928 and during part of session of 1928-29. Some time I paid my subscription directly to J.N. Sanyal and some time through Ajoy Kumar Ghosh. I Paid through Ajoy Kumar Ghosh after the summer of 1926.

One day in November 1926 I promised J.N. Sanyal a subscription for his fund which I could not pay then and there, and he asked me to pay to

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Ajoy Kumar Ghosh who was at that time a student in the third year Class, while I was a student in the fourth year class, and whom I knew at that time but not as a revolutionary. As promised I paid Rs. 5 after about 15 days to Ajoy Kumar Ghosh in his room No. 168 in the Boarding House which room I subsequently pointed out to a magistrate. In the court of the Special Magistrate, I Identified Ajoy Kumar Ghosh, who was in the dock of the accused. When I paid him Rs. 5 he introduced me to the two U.P. men, who were with him at the time, whom he described as his class-fellows at Cawnpur and Allahabad and whom he named as Parkash Narain Saxena, and Rajindar Parshad Saxena. I met both these men later off and on.

In January 1927 when I was summoned as a defence witness in the Kakori case I saw Parkash Narain Saxena with a young man who was his class fellow at Cawnpur and whom he named as B.K. Sinha. I identified B.K. Sinha at an identification parade before a Magistrate and also in the dock of the accused in the Court of the Special Magistrate.

(The Prosecutor asks for the production of B.K. Sinha, accused, for indentification by this witness in Court. The matter is under consideration. Examination to proceed mean-while.)

Parkash Narain Saxena said that B.K.Sinha had come to Allahabad to see Mr.Leister in order to prepare for the defence of Raj Kumar Sinha, his brother, an accused in the Kakori case.

(Admitted provisionally subject to the admissibility of **Parkash's** [Sukhdev's Remark 66: He gave no evidence] evidence on the same subject. It is stated that this evidence is intended to corroborate that of Parkash).

In the middle of January 1927 I appeared as a defence witness in the Kakori case on behalf of B. N. Sanyal. About May 1927 I met J.N Sanyal when ***I went to express my sympathies at the conviction of B.N. Sanyal in the Kakori case.*** [Sukhdev's Remark 67: Strange for a revolutionary]

Towards the end of September 1927, or in early October Ajoy Kumar Ghosh asked me to meet him in the Alfred Park that evening. I went there and met Ajoy Kumar Ghosh, who was accompanied by ***Salindro Nath Chakarvarti.*** [Sukhdev's Remark 68: Accused in Deogarh conspiracy case.] S.N. Chakarvarti handed me two books called "My flght for Irish Freedom" By Danyilal Breen, and the "Victory of Sinn Fein", Probably by O'Garth.

On the advice of S.N. Chakarvarti I arranged for letters of the Party to be sent to Amullo Rattan Mittra for passing them on to J.N. Sanyal. It was arranged between me and S.N. Chakarvarti that the writing on the envelope should be in green ink. The letters were to be sent to A.R Mittra, who had to pass them to me for delivery to J.N. Sanyal. During the

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following three months I received two such letters which were handed to me by A.R Mittra and I delivered them personally to J.N. Sanyal. Both of them were addressed in green ink.

In November 1927, I met A K Ghosh and learnt from him that S.N Chakarvarti had been arrested. I then transferred the two books which he had given me to A.R. Mittra, fearing, my house might be searched and the books seized. I subsequently removed the books from A.N Mittra and transferred them to A.K. Ghosh in November.

In November 1927, A.K Ghosh and I agreed that we should do something more substantial in connection with our revolutionary scheme than merely collect money for the Kakori Fund. In January 1928, he returned from Cawnpur. He said that people at Cawnpur were organizing lab our in order to create strikes which would ultimately lead to a revolutionary state of affairs. He suggested that we should do the same at Allahabad acting under the advice of some organizer who would come from Cawnpur. In January 1928 he went to Cawnpur because he was sick.

In the middle of January 1928 I arranged a meeting of J.N Sanyal, Parkash Narain Saxena and Rajindar Parshad Saxena, in the Alfred Park, which I also attended. J.N Sanyal told Parkash that he was regularly receiving subscriptions for the Kakori Fund. Towards the end of January 1928 I went into the room of Parkash and there met a messenger in the presence of Parkash. This room was subsequently pointed out by me to a Magistrate. The messenger gave me a letter and asked me to hand it over to J.N Sanyal. I took that letter to Indian Press and handed it to J.N. Sanyal. J.N Sanyal after reading the letter asked me to say "No" to the bearer of the letter. I returned and in the presence of Parkash I gave that message "No" to the messenger in the room of Parkash.

By Mr. Justice Agha Haidar.- The messenger was a U.P. man, probably a Hindu whose name I do not know. He had come from Cawnpur that day. Parkash said that he had come from Cawnpur. The messenger was lean built, medium stature, fair complexion, small moustache, shave beard and curly hair combed in a wavy fashion, aged about 20. I have not seen him again since that day. He was not shown to me in the Court of the Special Magistrate.

Examination-in-Chief (continues)- In March 1928 Parkash once came to my house with one Mr. Pandey. Parkash said that Pandey had come from Cawnpur and would like to see me. When I subsequently identified Pandey in the Court of the Special Magistrate I then learnt his full name to be Surrendra Nath Pandey. He was then in the dock of the accused.

(The Prosecutor asks for the production of S.N. Pandey in court for identification by this witness. The matter is under consideration. Examination to Proceed meanwhile.)

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Pandey told me that he had come from Cawnpur in furtherance of the conversation that had taken place between me and A.K. Ghosh, that he would join the Allahabad University in the next session and would organize revolutionary labour movement at Allahabad. I mentioned that I was paying subscription to J.N. Sanyal, and Pandey said that he knew Sanyal and would like to see him. I then took him to the house of J.N. Sanyal in Colonel Gunj, but Sanyal was at the Indian Press. Pandey said he would not see Sanyal at the Indian Press, but he wrote out a chit and asked me to deliver it at the house of J.N. Sanyal I went and handed that chit to the nephew of J.N. Sanyal, who was aged about 6 years. A few days later J.N. Sanyal told me that he had received the chit.

S.N. Pandey came again to Allahabad in June and stayed with me from morning till 3 P.M. He suggested that I should open a night school for labour at Allahabad. A.K Ghosh came to Allahabad in July 1928. I told him what Pandey had said but he did not approve of Pandey's proposal of opening a night school as it would make the programme unnecessarily long.

In September 1928 I went after college hours to the room of A.K. Ghosh, No. 18, which room I subsequently pointed out to a Magistrate. There I found A.K. Ghosh, Parkash Narain Saxena, Rajindar Parshad Saxena, B.K Sinha and a stranger. Later on, on the same day I learnt his name to be "Sardar" and in January of 1929 I learnt his name as Ranjit and after the Assembly Bomb explosion I learned from A.K Ghosh that the name of that stranger was Bhagat Singh. I identified him in the dock of the accused in the Court of the Special Magistrate.

(The prosecutor asks for the production of Bhagat Singh, accused, for identification by this witness in Court. The matter is under consideration. Evidence so proceed mean while.)

While P.N. Saxena and R.P. Saxana were present we talked on different matters. After their departure I and the remaining three went for a walk in the Alfred Park. First I had a talk with B.K. Sinha and told him what Pandey had said to me. He also did not approve of the opening of the night school. B.K. Sinha then informed me that they were organizing the party on a new basis instead of working through labour, and that I should work according to the new scheme of the party. ***B.K. Sinha said that thenceforth the party would consist of two groups (1) an "Active Group" and (2) a group of helpers and sympathizers. The members of the active group were to leave their homes and carry out plans of terroristic actions. The other group would supply money and the helpers of that group were to take part in the propaganda in the cause of freedom. The second group would be under the discipline of the active group, but the exact nature of the programme of the active group would not be known to helpers and sympathisers.*** I and

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A.K. Ghosh agreed to this scheme. B.K. Sinha then introduced me to the man called "Sardar". He named him as Sardar and said that he belonged to the active group. He further askd me if any suitable man could be given to the active group from Allahabad. ***I said I had no such man at my disposal.*** [Sukhdev's Remark 69: He should have offered himself. He spoke like a leader.] A.K. Ghosh said that a man could be given on trial. I then paid Rs. 10 as subscription to the active group.

In December 1928 I went to the home of J.N. Sanyal and there he asked me for money. I told him that I was contributing to the active group and therefore I could not spare him more money. We discussed together the work of the active group and he expressed the opinion that actions were not possible without the use of bombs. I expressed agreement with that opinion.

In January 1929 at the request of A.K. Ghosh I went to his room after College hours taking with me Rs. 10. There I again met Sardar. Sardar asked us to go to the Alfred Park. A.K. Ghosh was expecting a guest and could not go. I and Sardar went to the Alfred Park. When Sardar was putting on his coat to go out a black automatic pistol fell from the pocket. **Exh. P/480** appears to be that pistol. Subsequently I also saw a similar pistol at the Agra house in February 1929.

Sardar then told me that the name of the party had been changed into the Hindustan Socialist Republican Army for the Active Group, and that the helpers and sympathisers would be associates of that Army. He then told me that his name was Ranjit. He asked me whether a suitable plan of actions could be made against Inspector Bannerji and other C.I.D. officials who, according to him, were spoiling the cause of the revoluation. ***I said that such a plan was likely to spoil our propaganda and organization at Allahabad and therefore should not be pursued at present.*** [Sukhdev's Remark 70: Wrong notion.] I told him also that J.N Sanyal had said to me in December that actions were not possible without the use of bombs. Sardar said that he would talk over it to A.K Ghosh. I paid the Rs. 10 to Sardar which A.K Ghosh had asked me to bring. At the door of the room of A.K. Ghosh I saw Raghu Nath Mittra there. Seeing that Raghu Nath Mittra was there I went home, while Sardar entered A.K. Ghosh's room

29th May, 1930. J. COLDSTREAM.

Hearing adjournd till 9 A.M tomorrow, the 30th May, 1930. Accused remanded to custody to be produced in Court tomorrow.

P.W. 6. — Lalit Kumar Mukerji (approver) Continues on S.A. : —

I knew Raghu Nath Mitra as a class fellow and guest of A.K. Ghosh.

Next day I met A.K Ghosh and J.N. Banerji in the Alfred Park by

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arrangement I repeated to them the gist of my conversation with Ranjit concerning the proposed action against the C.I.D officials. They both approved of the plan. A.K. Ghosh said that we might in the meantime employ ourselves usefully by identifying Inspector Bannerji and other C.I.D. officials, so that we might be able to point them out to the active group if they required our services. I and J.N. Banerji were detailed for identifying Inspector Bannerji. He and I sat in the Parshotamdas Park, which falls on the way between the C.I.D Office and the house of Inspector Bennerji, which is on the Crosthwait Road.

(The prosecutor here states that J.N. Bannerji will be called as a witness if his attendance can be secured, but at present his where-abouts are not known. The name of J.N. Bannerji is allowed to remain in the evidence of this witness on this understanding. If he is not produced as a witness, his alleged connection with the circumstances mentioned in the evidence will be ignored)

For two days we tried to identify Inspector Bannerji. On the second day we saw a blue government police motor car in which were three police guards and a police officer whom we inferred to be Inspector Bannerji. We could not identify him because we did not know him and the car was going at a high speed. It was after 4 P.M I conveyed this information on the next day to A.K. Ghosh. The Idea of Identifying C.I.D Officials was then given up. That was in January 1929.

By Mr. Justice Agha Haidar - I can remember months but not dates. My sister's marriage was to be on the 1st February 1929, and that helps me to remember this particular date.

Q- Do you keep a diary?

A.- I used to keep one uptil 1925, but not since I became member of the revolutionary party.

Q- Do you keep a memorandum of your daily accounts and expenses, and so on?

A- I do not keep a memorandum of my daily accounts and expenses.

Examination-in-chief (continues)- On the last Saturday of January 1929, which was the day before the Tilak ceremony of my sister, I was coming from the market when my younger brother, B.K. Mukerji gave me a chit in the hand writing of and initialled" A.G." by A.K Ghosh. The chit asked me to see Mr J.N Sanyal. I destroyed the chit. Next morning I saw J.N Sanyal at his house. He took me to his study upstairs. In that room there were two strangers with him J.N Sanyal is a graduate. Subsequently at the time of identifying these two men, after I became an a approver, I learnt the names of those two men to be Jatindra Nath Das and Phonindra Nath Ghosh. I saw Phonindra Nath Ghosh in the witness box in this court ten or eleven days ago. Jatindra Nath Das was dictating and J.N Sanyal

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had a pencil and note book in his hand and the note book contained something apparently in his handwriting. The note book was subsequently made over to me and I saw in it certain entries in what appeared to be the handwriting of J.N. Sanyal, containing a list of chemicals. I had seen the handwriting of J.N Sanyal on previous occasions perhaps a dozen times or more, for instance, on envelopes, enclosing proofs of my father's books corrected by him. At the request of J.N Sanyal I took down in that note book what Jatindra Nath Das dictated to me. I thus took down a list of apparatus, such as a glass jar, measuring glass, measuring cylinder, glass tube, glass rod, etc.

By Mr. Justice Agha Haidar. -

Q- Why did J.N. Sanyal ask you to continue the list when he him self was writing?

A. It is not known to me why J.N. Sanyal asked me to take over from him the work of writing. He also asked me to procure these apparatus from the university laboratory, if possible.

Examination-in-chief (continues) - Jatindra Nath Das verbally explained to me about the preparation of certain explosive substances, namely, picric acid, gun cotton, fulminate of mercury, ammonium picrate. Accordingly I procured glass tubes and glass rods which I could get free of charge from the laboratory and on the next working day handed them over to J.N Sanyal along with the list of apparatus that was torn of from the note-book. The dictation, etc. took place on the last Sunday of January 1929, which was the date of the proposed Tilak ceremony of my sister. I gave over the list to J.N Sanyal and explained to him that the rest of the apparatus could be obtained cheaper in the market than in the laboratory.

Early in February, 1929, I saw A.K. Ghosh in his room after the college hours at his suggestion. I found there a young man named Pandit Ji. A.K Ghosh tokd me that B.K. Sinha had introduced Pandit Ji to him as a member of the active group. I knew A.K Ghosh to be a helper of the active group like myself.

Admissible under sections 10 and 30 of the Evidence Act against A.K. Ghosh and B.K. Sinha.

Pandit ji asked me to show him the house of C.I.D officials, including the house of Inspector Bannerji, and that of the D.I.G., C.I.D. and also the C.I.D. office. I showed the house of Inspector Banner ji and the C.I.D office which were all I knew to A.K Ghosh at Pandit Ji's request, because the latter had an engagement. Subsequently I showed to a Magistrate the C.I.D office and the house of Inspector Banner ji.

(At this stage, on a proposal by the Prosecutor, seven young men, all approximately of the same age, were brought into Court and the witness was asked to identify any one of these young men whom he had

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previously seen or known, and to say, if possible when and where he saw such person.)

Witness- I pick out one of these seven young men as the messenger who brought a letter from Cawnpur to the room of Parkash in January 1928, as already mentioned in my evidence. At this moment this man is wearing spectacles. He was not wearing them when I saw him in January 1928, and in those days he was a bit thinner than he is now. I have never seen him between January 1928 and the present day.

(The Prosecutor states that this man picked out by Lalit Kumar Mukerji will be called as a prosecution witness and is known to the Prosecution by the name of Braham Dutt, Misar.)

(The Tribunal takes notice of the identity of the man described by the Prosecutor as Braham Dutt, Misar, and picked out by the witness Lalit Kumar Mukerji.

(At the request of the Prosecutor the Tribunal also takes notice of the fact that the seven persons brought into Court were all without headgear, that four, including the man identified, were wearing dhotis, and that four including the man identified, were wearing tortoiseshell rimmed spectacles.)

(At this stage P.N Ghosh (P.W.3) having been brought into Court) I identify this man as P.N Ghosh. I also identified him before a Magistrate during the investigation and I was also confronted with him 10 or 11 days ago on which occasion he identified me when he was giving evidence.

In the middle of February 1929, two days before Basant, A.K. Ghosh came to my laboratory and he showed me a letter written by Ranjit and addressed to him. The letter was signed by Ranjit. He first told me that a messenger had brought it. In the letter I was referred to as "brother M.Sc." and the letter asked that either I or A.K Ghosh should accompany the messenger and take a Primus stove, a glass tube, a glass rod and yellow phosphorous. A.K. Ghosh asked me to go because he had to attend a marriage ceremony. I agreed. A.K Ghosh procured the stove and handed it over to me four or five hours later at 8 P.M. in his room. The Phosphorous could not be procured. I took a piece of glass tube from the laboratory and a piece of glass rod about 9 inches in length. I met the messenger at A.K Ghosh's room after College hours. I subsequently identified that messenger before a Magistrate and I also identified him in the dock of the accused in the court of the Special Magistrate. At the time of the parade before the Magistrate I learnt that his name was Raj Guru or a longer name, including the word "Raj Guru". It was the Magistrate who told me that name. It was the Magistrate who supplied this information when he called out. "The witness identifies Raj Guru" or whatever the name was. I and the messenger left by the Agra Express train at about, 9.30 P.M. The messenger said in the presence of A.K

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Ghosh that he and I were to go by the Agra Express. He also asked me to take permission from my father by saying that I was going to cawnpur with college students.

By Court- That messenger spoke all these things in ordinary Hindustani of the Allahabad side. I spoke to him in the same language and he understood me.

Examination in-chief (continues):-

(The Prosecutor asks for Production in Court of the accused Raj Guru for identification by this witness. The matter is under consideration. Examination to Proceed.)

I told my father what the messenger suggested and he gave me permission to go. The messenger gave me a ticket for Muttra and we travelled in different compartments. I was taking with me the stove, the glass rod and the glass tube as well as the blanket, overcoat and my clothes in a suit case. Exh. P/324, is a similar Primus stove to that which I took, but this exhibit has the burner and the silencer broken.

At Tundla Junction I joined the messenger on the platform by previous arrangement. From Tundla to Agra city we travelled together in my compartment. We alighted at Agra city station. We went to a house in a lane near a hospital. I subsequently pointed out that house to a magistrate. At that house I met a united provinces man to whom the messenger introduced me, naming him as Parbhat. I subsequently identified that man in the dock of the accused in the Court of the Special Magistrate and learnt his name as Sheo Varma. He also cross-examined me there.

(The Prosecutor asks for production of Sheo Varma, accused, in this Court for identification by this witness. The matter is under consideration. Examination to proceed.)

Having fever I lay on the blanket in the upper storey. Ranjit came there after about an hour with P.N. Ghosh. P.N. Ghosh was there called Dada. He is the man whom I identified earlier today. Next day Ranjit brought J.N. Das with him. I also saw at the Agra house on that second day a young man who was called **"villager"** and another young man whose party name I do not know. I identified the man "villager" in the dock of the accused in the court of the Special Magistrate, and I there learnt his name to be ***Sukh Dev.***

(The Prosecutor asks for the production of Sukh Dev, accused in Court for identification by this witness. The matter is under consideration. Examination to proceed.)

Das had with him a suit case in which were two bottles of ammonium carbonate. On that second day after the mid-day meal the preparation of ammonium picrate was begun and went on for two or three hours, so far

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as I remember, until a basin broke and spoiled the stove. On the day, Das, P.N. Ghosh and Ranjit mainly took part in the work of preparation such as mixing the mixture, etc. The rest of us were looking on and helping, namely, myself, "villager," Pandit ji (who arrived when preparation was in progress), a man whose name I do not remember, Parbhat and B.K. Sinha who used to come and join now and then. B.K. Sinha also used to cook the food. B.K Sinha was also cooking the food on that day. On that day, Das, Ghosh and Ranjit wore rubber gloves. A fourth pair was worn for sometime by "villager"and then by myself and finally by Pandit Ji. When the basin broke the preparation stopped. Exh. P/700 is a measuring glass similar to that which was in the house. It was not used. Two measuring cylinders like Exh. P/695 and like P/695-A were used. The rod within this mixture was stirred was like the rods Exhs. P/697, P697- A and P/697-B. After one basin was broken another basin was obtained which was similar to Exh P/305. The four pairs of rubber gloves were similar to Exhs P/694-A and P/694-B. There were cups used for washing purposes similar to Exhs. P/692 or P/692-A.

By Mr. Justice Agha Haidar - The gloves which I have seen here are covered with French chalk. Owing to the French chalk I cannot say the colour of these gloves. I have judged their approximate sizes without trying them on. One of the four pairs of gloves at the house was I think, rather larger than the other and fitted the palm of Ranjit which was slightly bigger than mine. I think the others were of the one same size. Rubber is elastic and stretches to fit the palm. The gloves in the house were ash coloured on the upper side and light chocolate on the interior.

Examination-in-chief continues- There was a bucket like Exh. P/316 there. Ranjit told Parbhat and B.K. Sinha to get a new basin. These two were down stairs when the basin broke. On the next day a new basin arrived and the process of making ammonium picrate was repeated. On that day also the main part in making the prepration was taken by Dada alias Ghosh, Dass and Ranjit. Assistance was given by the rest of us, namely, "Villager" alias Sukh Dev, myself, a man whose name I do not remember, Pandit ji and B.K Sinha. I cannot say whether Parbhat assisted that day. When the process was being repeated, the substance grew black and thereupon Dada and Das decided to prepare picric acid instead of ammonium picrate, thinking that the blackness of the substance was a defect due to the stove which stove had been damaged on the previous day. A new stove was then obtained and the process again begun. Picric acid was prepared and was dried and mixed with potash chlorate and with this mixture one shell was filled up.

(The witness on being shown 8 bomb- shells says.):- When the shell at the Agra house was being filled up it was like one of Exhs. P/89, P/90 or P/93. In the morning before being filled up it was like Exh. P/94/203 or

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P/96/205. As far as I remember I saw only one bomb shell in the Agra house. The last person I saw handling that shell was "Villager." I saw "Villager" take it into another room and I did not see the bomb shell any more. *I saw a black automatic pistol in that house being* handed over by Dada to Ranjit. It was similar to *Exh. P/480,* which I have already identified as similar to the pistol seen by me at Allahabad in the possession of Ranjit. I also saw a big pistol in the house. It was kept in a wooden case. The handle was of wood and the butt made a case for the pistol. When the butt was put on the pistol the weapon became as long as a gun. It was there called Mauser.

Filling the shell ended between 3 and 4 P.M. as far as my impression goes. I ***then had some discussion with Ranjit.*** He asked me to join the active group. I said I would prefer to continue my propaganda work among the students. We had a hot discussion, at the end of which Ranjit asked me to return to Allahabad by the 5 PM. train. He paid me Rs. 5 as railway fare. He said I had better do work according to my own inclination. Villager went with me as far as the Ekka stand. I returned to Allahabad that evening. I went to Allahabad and I took a ticket for Benares. I did not give up my ticket at Allahabad, saying that I was only breaking my journey there. I did not take with me to Allahabad the blanket or the stove. The blanket was missing and the stove was spoiled. Ranjit promised to send the stove after cleaning it and the blanket after tracing it. About three days after my arrival at Allahabad I met A.K Ghosh and told him what had happened at Agra. ***Ranjit had asked me not to tell what had happened at Agra to Sanyal*** *or other members except A.K Ghosh,* regarding whom I had taken his special permission. After about 15 days I met A.K Ghosh and B.K Sinha in the Alfred Park. B.K Sinha said that the blanket had been traced, and that I should get it from A.K Ghosh. I got the blanket later on from A.K. Ghosh. I have still got that blanket. B.K sinha also said that the stove had been cleaned and that I could take it from A.K Ghosh, but as the stove belonged to A.K Ghosh, I did not take it. After the Assembly bomb explosion A.K Ghosh told me that Ranjit was identical with Bhagat Singh.

I was arrested on the 16th of June 1929 at the house at Allahabad. On the next day I was taken to Lahore where I arrived on the subsequent day namely, the 18th. After being at Lahore for a week I made a statement to the police officer about the 26th of June and on the following day I was tendered a pardon which I accepted and on the next day after that I made a statement to the Magistrate. I identify my signature on Exh P/B/V, the form of acceptance of pardon. The statement which I made to the Magistrate was read out to me and it was correctly recorded. It was signed by me. The Magistrate who recorded the statement was probably Mr. Mulk Raj.

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(At this stage the Prosecutor puts in Exh. P/B/V/I and states that he will prove the document at a later stage.)

The statement probably recorded by Mr. Mulk Raj was also read out to me in the Court of the Special Magistrate. After I made that statement to the Magistrate, Mr. Mulk Raj, I took a police officer and a Magistrate to the house at Agra where explosives had been prepared and also to the two rooms of A.K. Ghosh at Allahabad and the house of J.N. Sanyal at Allahabad as well as other places mentioned by me.

At identification parades I identified P.N Ghosh, Das, B.K Sinha and Raj Guru.

By Mr. Justice Agha Haidar :- In the court of the Special Magistrate I identified Bhagat Singh, Sukh Dev, Sheo Varma, J.N Sanyal, A.K Ghosh, Raj Guru, B.K. Sinha and S.N. Pandey.

My examination-in-chief before the Special Magistrate lasted two days and a bit and my cross-examination lasted six days and a bit.

On the first day of my examination I identified Sanyal, A.K. Ghosh and B.K. Sinha and the others on the second day.

At the identification parades several persons were paraded in a row and I was asked to pick out any one whom I might know. The number of persons paraded differed in different parades. In each parade more than eight persons were paraded as far as my impression goes, including the persons to be identified. In each parade I identified only one person.

So far as I know the other persons paraded with those whom I identified were not persons accused in this case. I attended seven parades in which I was to try and identify persons. As far as my impression goes the persons paraded were similarly dressed. In the parade which included Das the bodies of most of the persons paraded were bare. In the parade which included Ghosh the persons paraded had dhotis and shirts, but no head dress. In one parade I picked out a man whom the Magistrate said was incorrectly picked out and in two parades I picked out nobody. In those two parades I do not know whether any accused person was paraded or not.

R.O.& A.C

30th May, 1930. J. COLDSTREAM

P.W. 7 — Ram Saran Das son of Lala Sant Ram, Khatri, 41 years, resident of Kapurthala, occupation unemployed on S.A : —

I was convicted in the Lahore Conspiracy Case in 1913 and sentenced to transportation for life. I was released from Jail on the 25th September 1927, on the expiry of my sentence and on medical grounds.

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In December 1927 I came to Lahore for the first time after my release. At Lahore I stayed with Sardar Kishen Singh, brother of Sardar Ajit Singh. Sardar Kishen Singh is the father of Bhagat Singh, who is an accused person in this case.

(Prosecutor at this stage asks for production in this court of Bhagat Singh, accused, for identification by this witness. The matter is under consideration. Examination to proceed.)

I stayed there one day and one night. At that house I met Sukh Dev, who was in the company of Bhagat Singh. Sukh Dev is an accused person in this case.

(Prosecutor asks for production in this Court, of Sukh Dev, accused, for identification by this witness. The matter is under consideration. Examination to proceed meanwhile)

From their conversation I gathered that they were both very genuine lovers of the country, and that they were carrying on propaganda amongst the students for the service of the country by distribution of revolutionary books. I suggested to them that, instead of lectures only, they should carry on propaganda work amongst the students by literature. They agreed to that suggestion. No other talk occurred on that occasion.

I paid two or three more visits to Lahore during which visits I met Bhagat Singh a good deal and Sukh Dev occasionally. We discussed these questions of serving the country and of propaganda. I was trying to divert their energies towards the propaganda of Mahatma Gandhi. At that time they approved of the programme of Mahatma Gandhi, namely, mass education by non-violence. Later, when a bomb was thrown in the Assembly I learnt that they were in favour of violence. They did not tell me that they were sympathizers with violence.

In October 1928, I went to Amritsar. By chance I met Sukh Dev, accused, there. He took me to the Jallianwala Garden. After some conversation he said he needed money. I said I had none. He asked me to raise a loan, and that he would repay it. I said I would try. He did not take me anywhere else in Amritsar. I went to Kapurthala and tried in raise money. But I could not obtain it within the time within which I had promised to meet him again at the Jallianwala Garden. On the day fixed I again went to Amritsar. There I met Sukh Dev. I told him that I had been unable to raise money. He asked me to try again. During those two visits to Amritsar I did not have any meeting with any other person. I went back to Kapurthala and borrowed Rs. 100 from Pandit Durga Das. I executed a pronote in his favour. I repaid it about 8 months ago. Exh P.E.Q. is the pro-note (dated 28-6-1985 Sambat), which I executed in his favour. I met Sukh Dev at Jullundur according to the arrangement. I told him that I had raised Rs. 100 which I required for my own needs and which I had already spent. From Jullundur I returned to Kapurthala.

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(Witness states). ***I wish to be sent to the Jail and not to the police lock-up. I wish to put in a document which shows how approvers are tutored. I hand in the document. I do not wish to remain in the custody of the police. This document was given to me by a police officer, who told me to learn it by heart.***

This was shown to me off and on by the officer who was with me. It passed on from officer to officer as they changed. I hand in another document.

(Let this witness be sent to the judicial lock- up and not kept in the custody of the police. He should be produced in this Court tomorrow at 9 A.M. He should not be allowed to converse with the accused persons in this case.)

30th May 1930. J. COLDSTREAM.

P.W. 7. — Ram Saran Das (approver) continues on solemn affirmation:-

I never gave that sum of Rs.100 to Sukh Dev,nor did I give him any sum of Rs.100 at any time. After meeting Sukh Dev at Jullundur I did not go with him to Agra,but I returned to Kapurthala alone.I never went to Delhi in the company of Sukh Dev.I never went to Agra or saw Bhagat Singh and Dutt,together there. From Kapurthala I went to Lahore and subsequently to Calcutta.

Q.- For what purpose did you go to Calcutta?

[By Mr.Justice Agha Haider-This question and the questions immediately preceding it appear to me to be questions in the nature of cross-examination and, in my judgement,the Prosecutor ought to have taken the permission of the Court before proceeding to cross-examine his own witness.

Note by the Hon'ble President.

The questions put were as follows:-

Q. Did you ever pay that Rs.100 to Sukh Dev?

Q. Did you ever pay any sum of Rs.100 to Sukh Dev?

Q. After meeting Sukh Dev at Jullundur did you or did you not go with him to Agra?

Q. Did you ever go to Delhi in the company of Sukh Dev?

Q. Did you at Agra see Bhagat Singh and Dutt together there?

Q. Did you ever go to Calcutta or not?

Q. For what purpose did you go to Calcutta?

By Mr. Justice Hilton.- The questions so far put do not appear to me to be in the nature of cross-examination.

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By the Hon'ble President.- I do not see any ground for regarding these questions put here to be in the nature of cross-examination.]

Examination-in-chief (continues) - I was arrested at Kapurthala. I was taken to Lahore on the 6th of June 1929. On the 13th of June 1929 I made a statement to a Magistrate. This is my signature on the document, Ex. P.E.R.

(Note - Ex. P.E.R. is the statement recorded under section 164 of the Criminal Procedure code by Mr. Lewis, Additional District Magistrate, who duly certificated it.)

Although I dated my signature on this document as made on the 13th of June 1929, in fact, I put my signature on it three or four days later. I put my signature to a document on the 13th June 1929. Ex. P.E.R. is not that document, nor do I know where that document is. I do not remember whether the document, which I actually signed on the 13th June 1929, was in the same form as this document, Ex. P.E.R. this document, Ex P.E.R., is the very document which I signed three or four days after the 13th June. Inspector Ata Ullah told me at the time when he took my signature on Ex. P.E.R that Ex. P.E.R was an altered version of that statement of mine which I had made on the 13th June. He said that the alterations comprised the statement that I had met Shiv Varma in the Jallianwala Garden, that I had visited the house at Amritsar and seen two men of the United Provinces there and a book called 'Mother' that I had visited Delhi and Agra: and the details of the conversation that I was said to have had with Bhagat Singh there. Before signing my statement recorded as Ex. P.E.R I did not read it but I read it before I became approver. I read it once before becoming an approver. On the 25th June 1929 I appeared before the Additional District Magistrate. I did not make any representation to him at that time that the statement recorded in Ex P.E.R on which the police got my signature was not my correct statement. I did not ask him where that statement was which he (the Additional District Magistrate) had got me to sign. The contents of Ex P.E.R contain something which I had stated in my statement but also contain many matters which I never stated at all. I dated my signature on Ex. P.E.R as the 13th June at the instance of Inspector Ata Ullah. I made no protest as approvers are not in a position to protest. I was got to sign Ex. P.E.R. at the Fort. The Magistrate was not present when I signed Ex P.E.R. On the 25th June 1929 I made on representation to the Magistrate that my signature was taken on an incorrect statement. When my signature was taken on Ex. P.E.R. I did not see whether the signature of the Magistrate was already on it or not.

On the 25th June 1929 I was taken before the Additional District Magistrate and a pardon was tendered to me and the conditions thereof made known to me. I accepted them. In token of that acceptance I signed the document, Ex.P.E.R.1.

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On the next day, i.e., the 26th June, I was taken before Lala Mulk Raj, Magistrate. I made a statement to him. After recording that statement he read it out to me and I then signed it. Ex P.E.R./2 is that statement and at the end of it I identify my signature. At the end of that Statement the Magistrate put to me some supplementary questions which I answered and which answers he recorded. These answers were also read out to me and I then signed them. Ex. P.E.R./3 is that supplementary statement and I identify my signature at the end of it. Both the statement recorded as Ex. P.E.R./2 and the supplementary statement, Ex. P.E.R./3 were correctly recorded as I spoke them and I put my signature to them as being the correct record of what I had said. I signed them then and there in the presence of the Magistrate.

(At this stage the Prosecutor asks for permission to cross-examine the witness as contemplated by section 154 of the Evidence Act on the ground that the witness has denied certain facts previously stated by him before Magistrates in the statements, Exs. P.E.R. P.E.R./2 and P.E.R/3.

The Court grants the necessary permission

By Mr. Justice Agha Haidar - The statement of mine recorded on the 26th June 1929 contains some truths and some falseoods.

By Prosecutor - When I met Bhagat Singh and Sukh Dev at the house of Kishen Singh I did not learn that they had started any secret society, not did I learn that there were branches of the secret society in the United Provinces.

(At this stage the following passage is read out from the statement dated the 26th June 1929, Ex. P.E.R./2:-

"I also learnt that these people were openly carrying on propaganda and afterwards I learnt that they had established a secret society the object of which was much the same as that of the Ghadar Party in the Lahore Conspiracy Case)."

Q. - Did you state to the Magistrate the words just read out to you?

A - Yes. This was a false statement made by me at the request of the Police.

Q. - Did you also state to the Magistrate "The object of this party was to uproot the British Government by every possible methods and to spread seditious views through it especially among students?"

A. - I stated that but it was false.

By Mr. Justice Agha Haidar. - I did it at the request of the Police Officers, namely, Inspector Ata Ullah and the Superintendent of Kapurthala, a Sikh gentleman, whose name I forget.

By the Prosecutor -

Q. - Did you also state to the Magistrate "In October 1928 I went to

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Amritsar on my private business and there by chance met Sukh Dev. He took me to a house in the evening where I met two young men of the United Provinces?"

A. - *I made that statement. It is true that I went to Amritsar and met Sukh Dev. It is false that he took me to the house and that I met two young men of the United Provinces there.*

Q. - Did you state to the Magistrate "I passed the night at that house?"

A. - I stated so, but it was false.

Examination-in-chief (continues).- ***During investigation at a parade I picked out a man saying that he was one of those U.P. men but he had been previonsly shown me by the police.***

By the Prosecutor -

Q. - Did you state to the Magistrate "on the fixed day and fixed hour I came from Kapurthala to the Jallian wala Garden at Amritsar and there instead of Mr. Sukh Dev I met a young man of the U.P. whom I had seen at the Amritsar house. He told me that Sukh Dev was not at Amritsar, having gone away some where?"

A. - I made that statement to the Magistrate.

By Mr. Justice Agha Haidar.- I made that part of the last statement but one which is false at the instance of the Police. The last mentioned statement is also false. I told these falsehoods at the instance of the Police, namely, the same two Police officers already mentioned.

By the prosecutor -

Q- Did you state to the Magistrate " After the Dusehra I met Sukh Dev at Jullundar and from there went to Delhi with him"?

A.- I stated so. It is true that I met Sukh Dev at Jullundar but it is falsehood that I went with him to Delhi.

Q.- Did you state to the Magistrate in answer to his question whether you gave Rs. 100 to Sukh Dev and whether you gave it to him at Delhi ?

A- I so stated and it was false.

Q.- Did you state to the Magistrate, "I told Bhagat Singh that I was about to go to Calcutta and that upon this he said that I should try to obtain bombs, etc., from my friends at Calcutta?

A. - I stated so and it was false.

Q- Did you state to the Magistrate, "on the morning of the 25th February when I was returning from the town I by chance met Sukh Dev and he took me to the Gowalmandi house ?"

A- I made that statement and it is true. There were three or four men there whose names I do not know. Bhagat Singh was not there.

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Q- Did you state to the Magistrate," when I reached the house, Sardar Bhagat Singh was there" ?

A- I made that statement but it is false.

Q- Did you state to the Magistrate "Mr. Sukh Dev showed me an iron cover and said that it was a bomb shell and had been prepared at Lahore?"

A- I made that statement and it was false.

By Court- All these false statements which I made I made at the instance of the two police officers mentioned above.

(The Prosecutor states that he does not intend to proceed any further with the examination of this witness as he has turned hostile and is not expected to tell the truth.)

(The prosecutor withdraws his request for the production in court of Bhagat Singh and Sukh Dev for identification by this witness.)

R.O.A.C.

31st May 1930. J. COLDSTREAM

P.W. 8 —Bakhshi Dina Nath, Prosecuting Inspector, attached to the Special Tribunal, on S.A: — (Concerning Police)

Raj Guru can converse in Urdu.

P.W. 9— Tajudin –Police Inspector (Concerning Police)

Had arrested Raj Guru at Poona and had brought him to Lahore. Also joined in recoveries.

P.W. 10— Hans Raj, Assistant Jailor, Borstal Institute, Lahore, on S.A: —

Shvaram Rajguru has been for seven or eight months in the Borstal Institute. I have had frequent opportunities of conversing with him. He can understand and can also express himself in English, Urdu and Hindi. The sixteen accused in this case who are in the Borstal Institute are detained together in one barrack. I have often heard Rajguru conversing with the other accused persons in Urdu or Hindi or English. I never heard any of the other accused talking Marhatti. I heard him recite a couplet in Urdu when he first came into the Court of the Special Magistrate. The following is the couplet:-

" I set out in the search of my lover. Such is the (result) of the longings of the heart"

Cross-examination.—Nil. / R.O.A.C.

31st May 1930 J. COLDSTREAM.

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P.W. 11 — Mukand Panth Shastri, son of Sakha Ram Panth, Brahman Maharashtar, 37 Banares, Sanskrit teacher, Sang Vaid Vidyala, Ram Ghat Mohalla, on S.A. : — Irrelevant

P.W. 12 — Ganda Singh, son of Sardar Hari Singh, Sikh, officiating superintendent, Jail, Fyzabad, U.P., on S.A. : — (Concerning Yogesh)

In 1928 I was working in the Fattehgarh Central Jail. I officiated as Superintendent up to the 13th February of that year and I then reverted to the post of Head Jailor.

While I was officiating Superintendent two convicts of the kakori dacoity case were incarcerated in that jail, namely, Ram Dulare Tirvedi and Jogesh Chandar Chatterji. On the 13th March 1928 Jogesh Chandar Chatterji was transferred from the Fategarh Jail to the Agra central jail. [Sukhdev's Remark 71: Important. To be carefully understood.] Towards the end of February I received information that Jogesh Chander Chatterji was planning with four or five other prisoners to escape from the Fategarh jail. It was on that account that I arranged for his transfer. I made a verbal report on the subject to the Superintendent. Before his transfer, I began to make an enquiry into the matter. Apart from the information I received my suspicions were also aroused by certain applications received by me for interviews with the two convicts above mentioned. Exhs P.E.S. and P.E.S/I are those two applications which I received. I received both these applications on the 3rd March 1928. Ram Dulare Tirvedi had already had an interview in January 1928. He was not entitled to another interview until the following April. In view of the information I had received about a plan to escape. I told the police to keep watch on the men who applied to interview the prisoners by the application. Exh. P.E.S.

The application Exh. P.E.S/I was for an interview with Jogesh Chandar Chatterji. Since he had come to the jail in April 1927 nobody had previously interviewed him there. I put both these applications before the superintendent, who in my presence wrote a letter to the Police that the movements of the writers of these applications should be watched. Exh. P.E.S/2 is the letter which the Superintendent wrote and it bears corrections in my handwriting. These corrections bear my initials. I identify the signature of Lt. E.D. White, Superintendent, on the letter, Exh. P.E.S./2. I am not in a position to say who was the person who wrote the applications, Exhs. P.E.S. or P.E.S/1.

(The documents, Exhs. P.E.S. and P.E.S/1. are admitted in evidence to prove the receipt by the witness of two applications for interviews.)

Jogesh Chandar Chatterji was transferred on the 13th March,1928 to the Agra Central Jail.

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Cross-examination.—Nil. / R.O.A.C.

9th June, 1930. J.COLDSTREAM

P.W. 13. — Mohan Singh, son of Sardar Ram Singh, Sikh Sub-Inspector of police, C.I.D., age 37 Farrukhbad District on S.A: — (Concerning Yogesh)

Elaborates PW 12 Ganda Singh.

P.W. 14. — Major M.A. Jafarey, I.M.S., Superintendent Central Jail, Agra on S.A: — (Concerning Yogesh)

I produce the admission and discharge register of my jail for the period beginning 7-1-1928.

(The document is marked and returned to the witness as it is an official document. Exh. P.E.U./2 the certified copy being put on the record)

The register is Exh. P.E.U. and the relevant entry is Exh P.E.U./1. This book has been in my official custody since I have been Superintendent of the jail, that is since the 5th February,1930. Exh. P.E.U/2 is a certified copy checked and certified by me of the entry, Exh. P.E.U/1 in this register that is of the entry No. 1902 at page 36. The initials at columns 16 and 28 of this entry are those of Major A.H Shaikh, who was my predecessor as Superintendent of the Jail. The entry shows that Jogesh Chandar Chatterji, son of Bipan Chandar was received from the Central Jail, Fatehgarh, on the 14th March 1928 and was transferred to the Central Jail, lucknow, on the 16th February 1929. He was a convict under sections 121-A 120 B and 396, Indian penal code, and his sentence was transportation for life by the Special Sessions Judge, Lucknow. His full address and identification marks are recorded in the entry. Two thumb-impressions of the convict are on the entry and are initialled by the jailor. These are taken when the convict comes in and goes out of the jail

Cross-examination.—Nil. / R.O.,A.C.

M.A Jafarey, Major I.M.S.,

9th June, 1930. J. COLDSTREAM

P.W. 15. — Brahma Singh, son of Subedar Dhuna Singh, Inspector of police, C.I.D, Allahabad, aged 37 years, on S.A: — (Concerning Yogesh)

I produce Exh. P.R.V. which I obtained from the record of the Kakori dacoity case, which was in the record room of the Sessions Court at Lucknow. It is intact just as I found it on that record.

Cross-examination.—Nil. / R.O.,A.C.

9th June 1930. J. COLDSTREAM

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P.W. 16. — Balbhaddar, Chaturvedi, son of Pandit Mahadev Chaturvedi, aged 44 years, Clerk, Gorakhpur Head Post Office. (Concerning Police)

9.5.1930

Had found Kailashpati missing since 26.6.1928

P.W. 17. — Raghuni, son of Juthan, occupation cultivation, caste chamar, aged 26 years, resident of Beria. (Concerning Betia) ***16.6.1930***

Was employed with Manmohan Banerji, who persuaded him to join the "party". Took part in the dacoity at Molina on 8.6.1929. A clash had taken place in the dacoity. Gives all the minute details. Also attended Congress Session at Calcutta.

(Made an other Statement on 7.7.1930)

P.W. 18. — H.G. Terry, Sergeant, Punjab Police, on duty in Delhi Province, at present on duty in Phillaur, on oath :- (Concerning Delhi)

On 8th April 1929, I was on duty in the Ladies Gallery of theAssembly. At about 12-30 I heard an explosion and on going forward towards the bench to look down into the Chamber I saw bluish smoke arising from the centre of the Chamber near the place where Sir George Schuster was seated. A little after that another explosion took place and on that occasion I saw smoke arising from the Chamber immediately below the Ladies' Gallery. Soon after the second explosion I heard two pistol shots ring out in quick succession.

I see the plan Ex. P.E.X. It represents roughly the arrangements at the Assembly Hall. In fact the rows of seats are more numerous than shown on the plan, and where the words "Ladies Gallery" occur on the plan there exists a line of seats which line also runs round to the Public Gallery. The Ladies' Gallery is the part shown on the plan as C. D. and the Public Gallery is the part shown as A. B. The space shown in the plan as Public Gallery is in fact a corridor for the public. I am referring to the condition of things on that day mentioned by me. When I heard the first explosion I was standing at a doorway not shown in the plan which leads into the corridor about the point marked E. On hearing the first explosion I rushed forward towards the bench marked F. From there I could see the central portion of the Assembly Hall. G. is the point from which I saw the smoke of the first bomb arising. The smoke of the second bomb appeared to arise just below the Ladies' Gallery. The noise sounded like the loud report of the bomb. I only heard pistol shots but did not see them fired. Immediately after the firing of the pistol shots people in the Ladies' Gallery began to rush towards the exit door of that gallery and some of them shouted., "There they are" pointing towards the central door which is somewhere about the Point H. There is a rope across the corridor dividing

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that portion of the corridor which is behind the Ladies' Gallery, from that portion which is behind the Public Gallery. Following the indications of those people I ran to the pillar J, jumping over the intervening rope. From the pillar *J, I saw two men standing by themselves about midway between the Ladies' Gallery and the central door somewhere about the point K. There was nobody close to them but some people further on were running towards the central door. There was no one between them and me. When I first saw them they were in an excitable condition and both were shouting "Down with Imperialism" in thunderous voices.* **They were facing towards me.The Man whom I afterwards learnt to be Bhagat Singh was nearer to me.** In his right hand he was holding a pistol pointing downwards. The other man whom I subsequently learnt to be B.K. Dutt was standing by his side. *I approached them from the point J. I snatched the pistol from the right hand of Bhagat Singh and said to them,* [Sukhdev's Remark 75: At that moment Bhagat Singh had no pistol in his hand. The pistol was picked up from a seat of an official member of the Assembly. It is only to prove that the pistol is the same as was used in Saunder's murder.] "Did you do this". I took Bhagat Singh's pistol in my left hand. I arrested them by taking hold of Bhagat Singh's left arm under my right arm and B.K. Dutt's right arm under my left arm. I led them up the steps to the corridor. After reaching the corridor I met Mr. Johnson, Traffic Inspector, inside the corridor, at a point more of less directly behind K. Subsequently there arrived Sergeants Macready and Paxton and Mr. G.O' Brien and Sub-Inspectors Hans Raj and Prem Chand. Mr. O' Brien is a commercial man. Before their arrival Mr. Johnson and I began to search these two men and were searching them when the others turned up.

From the person of Bhagat Singh was recovered a loaded pistol magazine. Some newspapers and pamphlets were recovered by Mr. Johnson from the two men. ***No arms were found on Dutt.*** Mr. Johnson instructed me to take the two men to the room of Mr. Collins of the Legislative Assembly. That room is on the same floor as we then were but round the other side. Mr. Collins is Superintendent of the General Branch of the Legislative Assembly. Mr. Collins was in that room. In that room Sub-Inspector Shahab Ali wrote out a recovery list of the articles found, and I signed it. I identify my signature on this document, Ex.P. E. X. which is that recovery list. Before the preparation of the recovery list I left the room of Mr. Collins and returned to the gallery of the Chamber to look for my helmet. When passing by the place where I had arrested the two men I found two empty pistol cartridges lying on the floor. In the room of Mr. Collins the two accused gave their names as Bhagat Singh and B. K. Dutt. Bhagat Singh was wearing a bluish grey coat with fairly small check squares and khaki shorts and shirt. At the time of his arrest by me Bhagat Singh had nothing on his head, but in the room of Mr. Collins I noticed him

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waring a felt hat of a colour between green and fawn. I do not know where that hat came from. B.K. Dutt was wearing khaki shorts and shirt and a pale blue coloured coat. He had nothing on his head. Ex. P.493 resembles the hat which Bhagat Singh was wearing. Ex. P. - 856 resembles the coat of Bhagat Singh. Ex. P.-726 resembles the coat of B.K. Dutt. ***As soon as I met Mr. Johnson in the corridor he took from me the pistol which I had taken from Bhagat Singh. The pistol was taken to the room of Mr. Collins. I took a note of the number of the pistol in the room of Mr. Collins on a small piece of paper.*** *I subsequently tore up that piece of paper having made another note on another piece of paper. I produce the piece of paper on which I made the subsequent note. The note of the number of the pistol is at the bottom of the report made by me. It is Ex. P. E. X.2, and is in my hand writing and signed and* ***dated the 16th May 1929*** *when I made it. I wrote this note in Simla. The pistol was not then in Simla. The report on this piece of paper is a copy which I kept for my own information of a report made by me at Delhi which copy I took back to Simla. I made the note on this sheet just to keep a record for my own information. Then I tore up the original piece of paper.* ***Ex. P.480 is the pistol in question and it bears the number 168896.***

By Mr. Justice Agha Haidar - I did not enter this number in any of the official registers.

Examined-in-chief - It is entered in the recovery list, Ex. P.E.X./1. When I took the pistol from Bhagat Singh there was a magazine in it with five rounds and one round which had jammed in the breech. The effect of the jammed round was that the pistol could not be fired. In the magazine recovered from Bhagat Singh's pocket there were seven rounds. That magazine was full being constructed to hold seven rounds. In addition to the seven in the magazine one cartridge can be loaded into the chamber of the pistol itself. I satisfied myself at the time that the ammunition found on Bhagat Singh was of the size to fit this pistol. The two empty cases also tallied with the live rounds. I saw the red pamphlets recovered from the accused after their arrest. I cannot say what pamphlets were recovered from each. The pamphlets were of thick paper with a heading in red print, " Hindustani Socialistic Republican Army." Below the heading was printed the words " Commander-in-chief",and there was the signature of Balraj in manuscript. Between the heading and the printed words there was some blue typed matter of revolutionary character. Ex. P.E.X./3 is a pamphlet of the same description. The signature on Ex. P.E.X./3 is also the same as I saw on those pamphlets. After that occasion I next saw B. K. Dutt at an identification parade when I identified him at New Delhi police station,and I next saw Bhagat Singh when I identified him at a parade at the Central Police Station, Delhi. ***These parades were held about a fortnight after the occurrence.*** I again identified them both in the Court of the Additional District

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Magistrate and subsequently in the Sessions Court when giving evidence in those two Courts.

(Prosecutor asks for the production in Court of Bhagat Singh and B. K. Dutt for identification by this witness. The matter is under consideration. The examination-in-chief is closed subject to reservation on this point.)

By Mr Justice Agha Haidar- When I arrested the two men I did not see any hat lying near the place of arrest. Both were then bare headed

Cross-examination.—Nil. / R.O.A.C.

H. G. TERRY, Sgt.

17-6-30 J. COLDSTREAM.

(He also made statement on 7.7.1930)

P.W. 19. — Chaudhri Raghbir Singh, Sub-Inspector of Police, in charge Kotwali, Saharanpur, on S. A.— (Concerning Saharanpur)

I am attached to the Kotwali, Saharanpur. In my area is situated the Mohalla Chob Faroshan. **On the 12th May, 1929, Muhammad Yasin Khan, Naik of Chauki Katra Awwal, came to me and informed me that for some 15 or 20 days three young men, who appeared to be Bengalis, were occupying a house in the Mohalla Chob Faroshan which they had taken on rent and that they did no business and the doors were kept shut. I passed this information that same evening to Mr. Joshi, my Deputy Superintendent of Police, who was at the time in charge of the district. He ordered me to make further enquiries about their activities. I did so. I reported that those men were visited only by Congress men.** [Sukhdev's Remark 76: On the 12th May he received information and gets order for further inquiries. It cannot be believed.]

Accordingly, on the morning of the 13th May, the Deputy Superintendent of Police, Mr. Joshi took a guard and also myself and Sub-Inspector of Police Bande Hassan and Sub-Inspector of Police Shabir Hussain Khan to Chauki Katra Awwal. There we left the guard and took with us Muhammad Yasin Khan. On the way we met Sher Ali and Arshad Hussain. We then went to the house of those three Bengalis. I knocked at the door. A man came and opened it. We all then entered the house. Except Muhammad Yasin Khan all the police officers were in uniform. I subsequently learnt the name of the man, who opened the door to be Sheo Varma. I saw him again and identified him in the Court of the Special Magistrate in the dock of the accused. In the courtyard there was a charpoy and a man standing by it. I subsequently learnt the name of that man to be Jai Dev, Kapur. I saw him again and identified him in the dock of the accused in the Court of the Special Magistrate. The third man was not there. From the courtyard we went to the baithak of that house.There

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we found many books and two or four bottles of medicine. The Deputy Superintendent of Police saw a book called Bande Jiwan which is a proscribed book. Ex. P/419 is that book. We returned to the courtyard and from there saw inside another room more books. So we entered that room. Sheo Varma and Jai Dev Kapur, entered with us. The books were in an almirah and, as we examined them, we came across a small box in an almirah. The almirahs consisted of shelves in walls. I identify-

Ex. P/401		Modern Breech-loaders,
Ex. P/402		Worshippers of Independence,
Ex. P/357		Reform or Revolution,
Ex. P/405		Soviet Russia,
Ex. P/361		"I appeal unto Caesar",
Ex. P/398		Imperialism,
Ex. P/364		Manufacture and uses of Explosives.
Ex.P/360		The coming of Socialism,
Ex.P/362		Theory and Practice of Leninism,
Ex.P/371		The Awakening of Indian Youth,
ExP/407		Empire "Socialism"
Ex.P/A/B/3	...	"Zakhmi Punjab"

as amongst the books found in that house. Ex.P/442 a bundle of blank pink posters was also found there. Sheo Varma was asked to open that box. He showed some hesitation. When he was asked he took out an iron article and said "This is a bomb" and he raised his hand with it. I identify Ex P/465 as that box (picked out by the witness from other boxes). I then seized sheo Varma and took the bomb from him. The Deputy Superintendent of Police was there. In the box were five more loaded bombs. The bomb snatched from Sheo Varma was also loaded. I identify Ex. P/89, Ex. P/90, Ex. P/91, Ex. P/92 and Ex. P/93 as five of those six bombs.

The two men were then arrested and searched. Another box was found containing three empty bombs. Exs. P/94-203,P/95-204 and P/96-205 are those empty bomb-shells. Ex. P/469 is that box. These were initialled by the City Magistrate of Saharanpur, who came to the spot when telephoned. In the same box were-

Ex. P/681		A hammer.
Ex. P/679		A saw.
Ex. P/682		Two files.
Ex. P/682-A		Two files.
Ex. P/680		Two chisels.
Ex. P/680-A		Two chisels.
Ex. P/678		Two anvils
Ex P/678-A	...	Two anvils

Three or four other boxes were found in that house. One box was full of chemicals. In another some clothes and miscellaneous articles were found. Exh. P/207 is the box which contained chemicals. This box contained-

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Ex. P/703/Ex. P/703-A — Two glass Jars.
Ex. P/695/Ex. P/695-A — Two C.C. measuring glasses.
Ex. P/700 — Measuring glass.
Ex. P/691/Ex. P/691 — A Two glass funnels.
Ex. P/696 — Spirit lamp.
Ex. P/698 — Thermometer.
Ex. P/697/Ex. P/697-A/Ex. P/697-B — Three glass rods.
Ex. P/699 — Glass flask.
Ex. P/694 — Tin box containing rubber gloves Exs. P. 694-A, P-694-B and P. 694-C.
Ex. P/693/Ex. P/693-A/Ex. P/693-B/Ex. P/693-C/Ex./P/692/ Ex. P/692-A — Enamelled basins.

All these articles resemble those found in that box. The box was sealed when the magistrate came and taken to the Kotwali and at both places he initialled some of the articles. On now seeing the signature of the Magistrate I can say that they are the same articles.

The revolver, Ex. P/201, was recovered from under some bedding in that house. It was loaded. The revolver, Ex. P/200, and the revolver, Ex. P/202, were recovered from under a pillow on a charpoy which was lying in the yard. They were both loaded. The cartridges, Ex. P/203, were found in a box in that house and so were the cartridges. Exs. P/200-A. the cartridges Ex. P/722, rifle cartridges, Ex. P/235 and revolver cartridges Ex. P/201. The cartridges loaded in the revolvers above-mentioned are amongst these cartridges.

The following articles were also found in the house :-

Ex. P/710/Ex. P/710A/Ex. P/710B — Torches.
Ex. P/316 — Bucket.
Ex. P/324 — Primus stow.
Ex. P/322 — Chest expander.
Ex. P/321/Ex. P/321-A — Pairs of dumb-bells.
Ex. P/467 — Kukri.
Ex./ P/468 — Dagger.
Ex. P/719 — A box of scales.
Ex. P/718 — Stethoscope.
Ex. P)/717 — Douche can.
Ex. P/690 — Gas ring.
Ex. P/229/Ex. P/230/Ex. P/231 — Six copies of photos of Bhagat Singh and B. K. Dutt.
Ex. P/713 — A bottle with label "Acid Nitrate Merk".
Ex. P/716 — A bottle containing liquid.
Ex. P/689/Ex. P/689 A/Ex. P/689 B — Three punches.
Ex. P/683 — Cutler.
Ex. P/688/Ex. P/688 — A Two kinves.
Ex. P/687 — Iron sheets.
Ex. P/676 — Rubber corks.
Ex. P/690 — A Iron plate.
Ex. P/686 — Pieces of wire gauze.

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Ex. P/684 — Screw driver.
Ex. P/315 — A broken basin.
Ex. P/466 — Two pitchers which were on the roof (which then contained acids).
Ex. P/470 — A bag.

Several other articles were found including clothes. Lists of the articles found were prepared by Shabir Hussain, Zafar Hussain Khan and Bande Hussain and the articles were then taken into possession. I was present when the lists were made.

The articles were sent to the Kotwali and the two arrested men with faces covered were sent to the jail. Jit Singh, a Naik, and three constables were left at the house owing to the absence of one of the suspected persons to arrest him if he should return. On the roof, walls and the courtyard of the house some yellow stains were found. The earth was collected from these places in the presence of Pandit Brij Bhushan Lal, Magistrate.

On the 15th May, 1929, at 4 P. M., I received information of the arrest of the third man who was known as Doctor. I went to that house and I found there Naik Jit Singh with a man he had arrested. I subsequently learnt the name of that arrested man to be Gya Parshad. Subsequently when giving evidence before the Special Magistrate I identified that Gya Parshad in the dock of the accused. I observed the nails of Sheo Varma and Gya Parshad to be stained with a yellow substance on the 16th of May, and I made a report about it, Ex. P.A.C., addressed to the Civil Surgeon. Investigation had been begun by Mr. Joshi. He dictated the first information report in my presence. It was recorded by Head Muharrir Abdul Majid Khan. I signed it. Ex. P.A.P./1 is that document. On information given by Gya Parshad some clothes were obtained by me from Asa, Dhobi. Those clothes are Exs. P/209, P/210, P/211, P/212/, P/213, P/214, P/215, P/216, P/217, P/218, P/219, P/220, P/221, P/223, P/224, P/225, P/226, P/227, and P/228. Ex. P.A.L./2 is the list I made of their recovery.

(Prosecutor closes the examination of this witness subject to the reservation that he asks for the production in this Court for identification by the witness of Sheo Varma, Jai Dev and Gya Parshad. The matter is under consideration).

17th June 1930. J. COLDSTREAM.

P.W. 20. — Hans Raj, Sub Inspector of Police, Thana Faiz Bazar, Delhi. (Concerning Delhi) ***17.6.1930***

Heard the sounds and reached the spot. PW 18 (Terry) had already put them under arrest.

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P.W. 21 — Shankar Lal, son of Badri Parshad, Khatri, 30 resident of Cawnpore, Proprietor, The Eastern Press, cawnpore. (Concerning Writing) ***18.6.1930***

Formal

P.W. 22 — Rameshwar Parshad, son of Lala Hira Lal, caste Agarwal, aged 27 years, resident of Cawnpore. (Concerning Writing) ***18.6.1930***

Formal

P.W. 23 — Khan Sahib Niaz Ahmad Khan, Deputy Superintendent of Police, C.I.D, Lahore, recalled, on S.A.: —(Concerning Lahore)

Conducted raid at Kashmir Building on 15.4.1929. Elaborates Jai Gopal's statement dated at 8.5.1930.

P.W. 24— Rai Sahib Lala Nath Ram M.B.E. City Magistrate, Lahore, on solemn affirmation : —(Concerning Lahore)

On the 30th April, 1929 I received the written order from the District Magistrate which is Ex.P.O. instructing me to record the statement of Jai Goapal, approver. A pardon had already been tendered to him by the District Magistrate. That tender of pardon is also include in the Document, Ex.P.O.

Jai Gopal appeared before me and I recorded his statement. I began to record his statement on the 30th April 1929 and finished it on the 2nd of May. Ex.P.A.R-3 is my record of his statement. I recorded correctly what he stated and after recording it was read over to him. He admitted it to be correct and then signed every page of it. On the 9th May he pointed out to me various places of Lahore. He took me first to the Arain Building on the Ferozpur Road. It is a well known building on the edge of the road and is in Mozang. He took me up some stairs to an upper storey and showed me houses No. 35 and 36 about which he stated that they had been occupied by members of the revolutionary party. These were in fact two rooms of one house. He showed me on the wall of one room a target which contained the marks of shots in various parts. He himself took out one shot from the wall and showed it to me. He took out three shots from an almirah. They were small bits of lead. As he was pointing out these things a man named Bura entered the room upon seeing whom Jai Gopal said " This is the man who used to clean the house in those days. " I placed the three shots taken from the almirah in the holes on the wall and found them to fit those holes.

Next he took me to the neighbourhood of the police office and stood at the junction of the College Road and the Court Road. He entered the small compound of the D.A.V. college and in front of the Principal's house he pointed out a small gondi tree on the lawn, and stated that Pandit Jee accused had sat on a bench beside that tree just before the murder of Mr.

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Saunders. He also stated that two bicycles had been placed against that tree. He then pointed out a beri tree about which he stated that "M" and Bhagat Singh accused had remained a short time before the murder. That beri tree is in the same compound.

He next took me to the D.A.V. college hostel and pointing out to a Jaman tree said that from that place he himself had taken a bicycle and handed it to Bhagat Singh when Bagat Singh had come away from the scene of the murder.

He next took me to the neighbourhood of the Veterinary College and showed me a compound wall near the Langley Road about which he stated that he hemself had scrambled over it immediately after the murder. Near that wall he pointed out a place about which he said that Bhagat Singh had taken a Lungi from him and handed to him a *hat (topi)*. He next took me back to the Court Street and showed me a sign post at which he said he himself had stood with a bicycle at the time when "M" had fired at the European officer whom he had believed to be Mr. Scott.

He then pointed out the place where Mr. Saunders had fallen wounded which was across the road near an electric pole and near a shisham tree.

He then pointed out a pipal tree in the Government College compound saying that Bhagat Singh had been at that spot when firing at a stout European officer. He then took me along Sandha Road and in front of the house of R.B. Lala Hari Chand he pointed to an electric pole, and said that after the occurrence he had come and stood at that place in trepidation and that two British officers in uniform had arrived there of whom the shorter had a pistol in his hand and that he was questioned by them and he replied that enquiry should be made from the labourers in that neighbourhood. He then took me along Beadon Road to near the Dyal Singh College and in front of the house No. 21- of sir Umar Hayat Khan he pointed out an electric Pole and stated that under instructions from Partap Singh he had informed Sukh Dev at that place that Mr. Scott had been murdered.

He next took me to Lachman Gali in Gowal Mandi and pointed out a house called Sundar Niwas. He took me to the third storey and pointed out a small room on which was a padlock and said that in that room ***he and Sukh Dev had lived from Dussehra 1927 to January 1928.*** Before the lock was broken he described the interior of that room to me. On entering it I found that the description tallied with the actual condition of the room.

Next he took me to Shah Kanth Road and pointing to a room on the ground floor of the house called Uttam Niwas he said that in ***February 1929*** he had accompanied Kishori Lal to that room and had met there ***Sukh Dev*** and Prem Datt, accused.

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He next took me to Prem Gali and showed me house No. 1104 and said that Agya Ram accused had been living there and that he himself had stayed there for two or three days ***under the instructions of Sukh Dev.*** He then took me to the Kenhya Lal building in Gowal Mandi and pointed out to me room No.2 which was locked and said that he had lived there in the hot season of 1927 and that **Sukh Dev** and Bhagat Singh had also occasionally stayed there. Before opening the door he described the interior of the room. The owner was then sent for and the door unlocked and the description found to be correct.. Kenhya Lal the owner of the house then handed to me a receipt book containing receipts for rent for June and July 1927. Exh. P.B.C. is that receipt book. That book contains receipts Nos. 98 and 107 relating to the above-mentioned months in the name of Jai Gopal (Exhs. P.B.C/I and P.B.C./2). I signed those two receipts and identify my signature on them.

Next Jai Gopal took me to the Rai Bahadur Ram Saran Das building opposite the Islamia High School. He showed me room No. 13, saying that he had stayed in it for some days in January 1928, that he had given a false name and had paid in advance Rs. 5 on account of rent.

He next took me to Pari Mahal in Lahore City and showed me a room on the first storey, saying that he had stayed there in January and February1928, and had learnt photography work there. (Added on reading over-I am not sure about the year.)

He next took me to Kucha Kirpa Ram and showing me the house of Ghuta Mal said that **Sukh Dev** had taken him there on the ***1st or 2nd January 1929,*** and had introduced him to Kishori Lal accused who was living there.

He next took me to Kucha, Jai Krishanian and pointed out to me house No. **E-2102,** and stated that Pandit Yash Pal had lived there whom he had visited there once or twice at the ***suggestion of Sukh Dev.***

He then took me to Vehra Lala Heanam Das in Sutar Mandi and pointing out house No. D-3306 said that in the pervious November at ***Sukh Dev's*** suggestion he had met Yash Pal there and had obtained clothes and utensils from him for ***Sukh Dev.*** Lala Hans Raj, the owner of the house was present at the time and he produced an agreement and a receipt executed by Yash Pal. These documents are Exhs. P.A.A. and P.A.A.I respectively. They were signed by me and I identify my signature on them. I made a memorandum of the places pointed out by Jai Gopal as and when he pointed them out. Exh. P.D.D. is that memorandum. It is correct. The pellets Exh. P. 863, resemble those taken from the wall and the almirah.

On the 10th of May 1929 I recorded the statement of Milkhi Ram and Rulia who were produced before me by the police. Exs. P.B.P and P.B.P./1 are my records of their statements and are correctly recorded. After

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recording them I read them over to the deponents and they admitted them to be correct.

On the 13th of May 1929 eight European police officers in uniform were paraded in the police lines and Jai Gopal approver was brought before them. He picked out Mr. Neal and Mr. Morris and said that these two officers had seen him immediately after the Sunders murder near the house of Rai Bahadur Hari Chand. He also picked out Mr. Fearn saying that that officer had pursued Bhagat Singh and been fired upon immadiately after the murder of Mr. Sunders. Ex P.D.D.1 is the memorandum that I prepared of the parade and is correct.

On the 22nd of May 1929 **Sukh Dev** and Aaya Ram accused were mixed up with seventeen other persons whom these accused had themselves selected for that purpose. These were people of the Police Lines locality where the parade was held. Various witnesses were then called in one after the other. **Sukh Dev** was correctly identified.-

By Amolak Ram, who said that he had seen him going and coming at the Uttam Niwas.

By Hira Lal as having been his tenant.

By Bansi Lal as having taken his house on rent and signed an agreement under the name of Devi Das.

By Ghuta Mal as having been a tenant in his house.

By Hussain Bakhsh as having lived in Arain Building.

By Budhoo as having lived in Arain Building.

By Chida Ram as having lived in Arain Building.

By Fakir Chand

By Bura.

By Master Kanhaya Lal as having occupied his house as a tenant.

Kanhaya Lal also indentified Agya Ram as having lived with **Sukh Dev** in that house.

By Mr. Justice Agha Haidar- At the time of the parade no house proprietor produced any document about payment of rent before me at the time of the identification.

(Examination in chief continues)- Neither Sukh Dev nor Agya Ram was identified by Pandit Tribhavan Nath or Manak Chand or Jairam Mal or Gaman, or Ram Parshad or Ganga Devi. Exh. P. D.D/2 is the memorandum which I then and there prepared correctly regarding those identification proceedings. While each witness was making his identification the other witnesses were kept at a distance from which they could not possibly see the proceedings. Each witness after identification was put in another room out of sight of the parade proceedings and out of sight of the remaining witnesses.

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On the 23rd of May 1929 I held an identification parade in the Railway Police Lines. Jai Gopal and Hans Raj were mixed up with ten other persons selected by Jai Gopal and Hans Raj themselves. Jai Gopal had already been tendered a pardon. I took similar precautions to those I have described in connection with the parade of the 22nd of May 1929.

Kamal Din identified Jai Gopal as having seen him at the time and near the place of Saunder's murder.

Abdulla identified Jai Gopal as having seen him at the time and near the place of Saunder's murder.

Habib Ullah identified Jai Gopal as having seen him at the time and near the place of Saunders' murder.

Hussain Bakhsh identified both Jai Gopal and Hans Raj as having frequented the Arain building.

Budhoo identified both Jai Gopal and Hans Raj as having frequented the Arain building.

Faqir Chand identified Hans Raj as having frequented the Arain building.

Bura identified Jai Gopal and Hans Raj as having frequented the Arain building.

Shiv Nath identified Jai Gopal and Hans Raj as having occupied his house as his tenant.

I prepared a memorandum of these proceedings there and then which is Exh. P.D. D./3 and is correct.

While each witness was carrying out his identification I arranged that his proceedings should not be seen either by the witnesses who had preceded him or by those who had to follow him.

On the 23rd of May 1929 I held another identification parade at the Railway Police Lines. Kishori Lal and prem Datt accused were mixed up with 11 other persons selected by themselves from men of that locality.

Amolak Ram identified Kishori Lal and Prem Datt as having frequented Uttam Niwas.

Tribhawan Nath identified Kishori Lal as having frequented Uttam Nivas.

Hussain Bakhsh, Budhoo, Chida, Faqir Chand and Bura all identified Kishori Lal as having frequented the Arain building.

Kishori Lal accused was identified by Ram Parshad as having been a tenant at the house of Mst. Parbati.

Kishori Lal was identified by sundar Das as having been a tenant in his house.

Kishori Lal was identifed by Ganpat as having frequented Kashmir building.

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Kishori Lal was identified by Shah Din as having come to him for his photo to be taken.

Kishori Lal was identified by Siraj Din as having come to him to get some parts moulded

Kishori Lal was identified by Ghulam Rasul as having had some shells prepared at his shop.

Kishori Lal was identified by Muhammad Din as having made use of his boat.

Exh. P.D.D/4 is a memorandum which I prepared correctly of these proceedings then and there. I took the signatures or thumb marks of those persons who identified the accused. This I also did in the other identification parades already described by me.

While each witness was carrying out his identification I arranged that his proceedings should not be seen either by the witnesses who had preceded him or by those who had to follow him.

On the 23rd of May, 1929 I held another identification parade at the District Police Lines at which **Sukh Dev** and Agya Ram were mixed up with 11 other persons chosen by themselves.

Sukh Dev accused was identified by Sundar Das as having lived at Sundar Niwas, and by Siraj Din, son of Muhammad Din, as having brought some parts to him for moulding, and by Freoz Din as having come to his shop to have parts prepared, and by Siraj Din, son of Allah Ditta, as having brought four parts to his shop for having turned on a lathe, and by Ghulam Rasul as having got an iron shell prepared by him, and by Muhammad Din as having been in the habit of taking the D.A.V. college **boat out for an airing.** Exh. P.D.D./5 is a memorandum which I correctly prepared there and then of these proceedings. I took the signature of those witnesses who identified the accused persons.

By Mr. Justice Agha Haidar - At the parade of the 22nd May there were six men who identified neither Sukh Dev nor Agya Ram.

At the first parade of the 23rd May, eight persons who were called in identified neither Jai Gopal nor Hans Raj.

At the second parade of the 23rd of May seven persons were called in who did not identify Kishori Lal or Prem Datt. At the third parade of the 23rd of May there were two persons who identified neither Sukh Dev nor Agya Ram.

Examination-in-chief continues. - At the third parade of 23rd May I again took precaution that when each witness was doing his identification he should not be seen either by the witnesses who had preceded him or by those who had to follow him.

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On the 18th May 1929 an order was issued by the District Magistrate to me to record the statement of Hans Raj Vohra to whom a pardon had been tendered. Ex. P.B.U. is that order. I began to record the statement of Hans Raj on the 21st May and finished it on the 23rd May. Ex. P.B.U/1. is my record of that statement. I recorded correctly what he stated. It was read over to him and he then signed every page of it. He admitted it to be correct.

On the 24th June 1929 I recorded the statement of Mahabir Singh accused. Ex *P.D.D/6-A is an application made to me by the police in this connection.* I recorded correctly the confession which he made. Ex. P.D.D/6 is my record of that statement. Before recording the statement I questioned him:-

(1) Whether he knew that it was not obligatory to make a confession, to which he replied that he knew it,

(2) Whether he knew that any confession made by him could be used against him as evidence, to which he replied that he knew this and

(3) Whether in spite of understanding the points raised in the two foregoing questions he wished to make a voluntary statement to which he replied that he was making his statement voluntarily.

When these questions were being put to the man only I, the Magistrate, and my reader were present, all police officers having been excluded. No police officer was allowed to enter the room from the time the statement began to be recorded until it was completed. I recorded a certificate of the belief which I formed about the voluntary character of his confession. After recording the statement I read it over to him and he admitted it to be correct and signed it. During the time that he was present before me he made no complaint to me against any body.

When Jai Gopal was pointing out places to me he pointed out a place inside a fence in the D.A.V college compound and said that Pandit Jee accused has stood there when they were waiting for Mr. Scott to come out. He also pointed out a place on the roadside opposite the above mentioned place about which he said that Bhagat singh had stood there with a pistol in his hand when Mr. Scott was being waited for.

By Mr. Justice Agha Haidar - I came to Lahore as a Magistrate on the 8th June 1927. I have been here since then. Mr. Scott is thin and slim. Mr. Saunders was neither stout nor thin. I estimate the age of Mr. Scott at 40. Mr. Saunders was I think below 30. One would not be mistaken for the other by me. It depends upon the common sense of the person who has to identify. Lala Lajpat Rai was popular with one section of the Arya Samajists of Lahore. With that section he was very popular The other section did not like him and attributed charges to him. I cannot say which of those sections is more numerous. He was considered the foremost

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political leader of the Punjab. He was popular with the people of the Hindu Sabha but there was a class among the Hindus who did not like him. I think there was a fairly large number of people who did not like him. I cannot say whether those who liked him were more numerous than those who did not. It is not in my knowledge whether he was assaulted at the barrier. In order to raise up agitation it was repeatedly said that he had been assaulted. Those statements created excitement amongst persons who held certain political views.

I have been Hans Raj vohra. He is a young man with a delicate constitution. As a layman I cannot say whether it is very delicate. He was clean shaved when I saw him.

Q. As a gentleman having common sense can you say that he is a sort of man who can grapple with a man of ordinary physique?

A. It is not only the constitution which makes a man bold but it depends upon the mentality and will power of the man. As far as I could see he was a man capable of taking any dangerous step.

Q. Could he successfully grapple with a man of ordinary physique on a footing of equality?

A. I can not answer this question.

Q. How are you in a position to say that he was a man of a desperate character who was capable of taking any dangerous step?

Note by Mr.Justice Agha Haidar – While I was putting the question to the witness, Mr. Noad interrupted and began to say something. I rule that he has no business to interfere while I am putting questions to the witness.

A. The facts deposed to by him in his statement and the way in which he represented all these incidents made me to believe that he was a man of dangerous character.

I do not think the house at Mozang was guarded when I got there. The staircase was not locked but the room was only chained from outside. No caretaker was present there. The sweeper who turned up turned up, accidentally and nobody sent for him.

Cross-examination.—Nil. / R.O. A.C.

20.6.30 J. COLDSTREAM

P.W. 25 — Jit Singh Naik, No. 4 Saharanpur Police Lines on solemn affirmation: —(Concerning Saharanpur)

Gives details of arrest of Dr. Gaya Prasad on 15.5.1930 at 4 A.M.

P.W. 26 — Rai Bahadur J.N Bannerji, D.S.P., C.I.D., U.P., at Allahabad. (Concerning Police) *24.6.1930*

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He had been attacked by suspected revolutionaries because of his role in investigating Kakori Case (Irrelevant)

P.W. 27. — J. Nath Sahai, Sub-Inspector of Police, Champaran district (Bihar-Orrisa Province, states on S. A.: —(Concerning Betia)

Maulania is in the jurisdiction of Betiah Thana. I was junior Sub-Inspector at that thana in 1929. The report of the Maulania dacoity was made at my thana on the 8th of June 1929. Sub-Inspector in charge was Sayed Aziz-ul-Haq. Dasain Ahir, village Chowkidar reported the occurrence. I wrote the first information report.

(The prosecutor states that the first information report recorded on that occasions is not at present available as an exhibit, the record of the case being in the Patna High Court).

I went to the spot to make an investigation on the same day. I found four or five persons had been wounded during the daocity. These were Bauk, Saral Teli, Kesho, Mohan and Tirchha. The Assistant Surgeon came to the spot and attended to these wounded persons. Kesho and Saral were sent to the hospital at Betiah. The dying declaration of Saral was recorded. Saral died. One of the injuries sustained by Saral was, as far as I remember, a spear wound in the stomach. Saral died two or three days later.

(The statement of the Prosecutor in regard to the first information report not being available applies also to the statement of injuries).

All the offenders in that dacoity case were not arrested as some were absconding, including one Kidar Mani Shukal. Pandit Kanwal Nath, Tewari, was required at Lahore for the Lahore conspiracy Case and for that reason he was not sent up for trial in the Maulania dacoity case.

Cross Examination by Mr Amolak Ram, Kapur, on behalf of Kishori Lal, accused - I investigated the Maulania dacoity case for two days on the 8th and 9th of June. Investigation was taken over by Sayed aziz-ul-Haq. I cannot say how long after my investigation ended the case was challaned. None of the alleged offenders were arrested during the time I was investigating the case. During my two days of investigation no incriminating article was recovered. I recorded the statements of the injured persons and of one or two other persons whose names I forget. I was not present when the dying declaration of Saral was made nor at the house. I was at the spot at Maulania and Saral was at the Betiah hospital at that time. I cannot say when that case was decided. My knowledge that an appeal has been filed is not official.

Cross-Examination by Mr. Baljit Singh, for Prem Dutt, accused. - Nil.

Cross -Examination by Shivaram, Raj Guru, accused. - Maulania is four or five miles form Betiah. It was about6 A.m. of the dacoity. I set out for Maulania after a short time. I arrived at Maulania at 10 A.M. Several

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police officers accompanied me, including Hazari Lal and Sub-Inspector Patrick. I forget the names of others. Of those who went on the spot with me Patrick was the senior. He belonged to another thana. I was not working under him. I took him to help me according to the police rules. The house where the dacoity took place is on the edge of the village. I think the entrance door of that house faces south. The house is to the east end of the village. Six or seven persons accompanied me. On reaching the spot I found the complainant and his relatives and the injured persons. I met the other villagers after those. I forget where Kesho's wound was. I forget the depth of Saral's injury. I found some boxes broken in the house and in the porch.

I had never visited Maulania before. It was at the thana that, the Chowkidar reported.

I cannot say whether the Maulania absconders will be challaned. I have been transferred to another police station. I never saw Kidar Mani Shukal before.

Corss-Examination by other accused. — Nil.

Re-examination. — Nil. / R. O. A. C.

24th June, 1930. G.C. HILTON

P.W. 28. — Kesho Parshad, son of Ambika Parshad Writer, Head Constable, Bettiash Police Station Cham paran District (Bihar and Orrisa). (Concerning Betia) ***24.6.1930***

Recalled on 11.8.30 —

Proves Inquest report of Saral Teli who had died during the dacoity.

P.W. 29.—Ch. Roshan Lal, Magistrate, 1st class, Lahore. (Concerning Ident fication)

25th June, 1930. G.C. HILTON.

P.W. 30.— Mr. W. N. P. Jenkin, Superintendent, Police, Political, C. I. D, Punjab, on oath :— (Concerning Murder)

I have been holding my present appointment since October, 1928, that is, before the Saunder's murder. Immediately after the murder, I was placed incharge of the investigation and eight empty cartridge cases were recovered at the scene of the murder and these were brought to me in the Police Office by various people. The Police Office is at distance of some 30 or 40 yards from the scene of the murder. More than one.32 (7.65) bullets were recovered from the body of Mr.Saunders by the Civil Surgeon and handed over to Mr. Slattery, D. I. G., who passed them on to me. A Mauser bullet of. 403 or 300 bore was also recovered from the body of

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Head Constable Chanan Singh by the Civil Surgeon who gave it to Mr Slattery and who passed it on to me. I handed over the empty cartridge cases and the bullets referred to above to Assistant Sub-Inspector Jagan Nath for safe custody. I saw them packed up in cotton wool in match boxes and placed in a locked box. The match boxes were not marked. This was one of the duties of Assistant Sub-Inspector Jagan Nath, who was on special duty in this connection.

(The box, Exh. P. 864, has been opened in our presence and the seals thereon broken. This box was opened by this Tribunal and sealed up again on a previous occasion as already noted on the record and these seals have been found intact).

I see Exs. 864/1. A, 864/1 B, 864/1 D, 864/1 F, and 864/1 L. These are five. 32 empty cartridge cases. I identify these empty cases as having been picked up at the scene of the occurrence and handed over to me. I identify these from the splits and the extract or marks on them. I examined all these cartridge cases very closely shortly after the murder, but I cannot give the exact date. My object in doing so was to see whether there were any peculiar marks on them because it was my intention to have all pistols in the Punjab of the same bore fired off and the rounds and bullets collected and sent to me for examination. I did this because I knew that an examination on these lines had been carried out at Home and it was possible from an empty case or a bullet to say definitely from which particular weapon that had been fired. I did have all. 32 pistols and mausers of. 403 bore fired by Superintendents of Police in districts who sent the empty cases and the bullets fired from these weapons to me. Nothing came of this. The above was done with all licensed weapons of the above two bores in the Punjab. The marks on the bullets and the empty cases sent to me as above did not correspond to the marks on the cases and bullets recovered in the case.

I identify Ex. 864/1 N as the Mauser bullet taken from the body of Head constable Chanan Singh. I identify Ex. 864/1. It is one of the.32 bullets taken from the body of Mr. Saunders. These bullets I also examined shortly after the murder.

On the 9th of April, 1929, we received information from Delhi that there had been a bomb outrage there in the Assembly, and that two persons had been arrested, from the possession of one of whom an automatic pistol had been recovered. When that information came through to me the Inspector-General of Police ordered me to go to Delhi instructing me to take with me all the empty cases and bullets recovered in connection with the two murders. These included the empty cases and bullets which I have today identified in Court. I was told to find out by examination if I could whether there was any connection between the pistol recovered from one of the men arrested in connection with the bomb

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outrage and the pistols which had fired the empty cases recovered in connection with the two murders. Taking all the above cases and bullets with me I went to Delhi, visited the scene of the occurrence and took over an automatic pistol bearing No 168896 of.32 bore. I identify the automatic pistol bearing Exh. P/480 as the pistol recovered on the occasion of the bomb outrage. I took this weapon over and also one empty cartridge case which is said to have been found in the Assembly Chamber. I identify Exh. P/864/ 5B7 as the empty cartridge case handed over to me at Delhi.

I examined the case recovered at Delhi and found that the extractor marks on that case were very similar to certain extractor marks on cases recovered from the scene of the murders. I was not an expert and not competent to do this examination. I therefore, telephoned to Lahore and asked that Mr. Lewis of Walter Locke and Co. with whom I had discussed the question of this examination on many occasions before might be sent to Delhi. For business reasons he was unable to come to Delhi. I therefore, returned to Lahore, bringing with me the pistol and the empty case recovered at Delhi and the other cases and bullets which I had taken there with me. Mr. Lewis said that he would like a number of empty cases and bullets fired from the weapon recovered at Delhi for the purposes of examination. ***Six rounds were fired from the pistol recovered at Delhi before it had been cleaned or anything done to it.*** *It was actually in the same state as when it was recovered.* These rounds were fired in my presence and that of Mr. Lewis, Additional District Magistrate, Lahore. The pistol was then cleaned and six more shots fired from it. The pistol was cleaned again and six more shots fired from it. The eighteen empty cartridge cases and 18 bullets were collected. Each lot of six were collected by Mr. Lewis, A. D. M., and placed in an envelope which was sealed and signed by him. In addition to that six shots were fired from four other automatic pistols of the same calibre. These were also fired in Mr. Lewis' presence collected by him and each lot placed in an envelope which was signed and sealed by him. Particulars of the weapons from which all these had been fired were noted on the envelopes. I produce a note written and signed by me on that occasion and countersigned by Mr. Lewis, A. D. M. (Exh. P/F. B). Mr. Lewis of Walter Locke and Co. was present when these tests were carried out. He actually did the firing and later he examined various empty cases and bullets which we knew had been actually fired from the pistol, ***Exh. P/480,*** with some cases and bullets recovered from the scene of the two murders. Great care was taken to prevent any mixing up of the various empty cases and bullets, only one case being allowed to be taken for examination at one time. After examination the empty case was retuned to Mr. Lewis, A. D. M. When Mr. Lewis of Walter Locke and Co. had completed his examination, all the various articles were placed separately in sealed envelopes by Mr. Lewis, A. D. M., and locked in the C. I. D. safe, the key of which remained in my

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possession. The opinion given by Mr. Lewis of Walter Locke and Co. justified the seeking of further expert opinion as to whether the pistol, ***Exh. P/480*** had been used in the murders. It was ultimately arranged that I should take all the empty cases bullets and the automatic pistol Exh. ***P/480*** and a number of empty cases, recovered at Saharanpur, Mauser and. 320 and also certain revolvers recovered in Lahore to Mr. Churchill in London, who is the recognized expert on bullet identification.

I took the revolvers, Exhs. P/200, P/122, P/202, P/201, 5 empty cases, 450 revolver, one.38 bore empty case, W R A and Co. make, one.38 bore empty cases G. G. and Cie, 14.403 empty pistol cartridges, D. W. M. K. K. make, 28.32 bore empty case automatic ammunition, W R A Co. A. C. 12 7.65 empty *pistol cartridge* cases R E M/ U M C, which were recovered at *Saharanpur to London with me*. I also took all the recoveries made in Lahore and Delhi specified above. All the empty cases and bullets fired in the test carried out at Lahore by Mr. Lewis, A. D. M., were also taken with me to London.

All these things were made over to me by Mr. Lewis, Additional District Magistrate, the day I left Lahore. I produce the certificate of Mr. Lewis showing exactly what he made over to me (Ex. P. F. B/1).

The box in Court, Ex. P. 864, which contained all the above articles, was sealed by Mr. Lewis after he had placed specimen seals in the box.

The seals were broken on the 2nd of July, 1929 in the presence of a Notary Public and Mr. Churchill. I produce the certificate, Ex. P. F. B/2 of the said Notary Public, Mr. Joshus Dawson Watts.

From the ***2nd to the 31st of July, 1929,*** Mr. Churchill carried out his examination of all the exhibits mentioned above in my presence throughout. Every care was exercised to see that there was no mixing up of the exhibits. I know that there was no mixing up.

On the 31st July after the conclusion of the examination by Mr. Churchill all the exhibits were replaced in the box, Ex. P. 864, in the presence of Mr. Churchill, the same Notary Public, and myself, and the box was then sealed with the seals of the said Notary Public. The four impressions of his seal on the box, P. 864, are those which he placed thereon in my presence and correspond with the seal on the certificate, Ex. P.F. B/3, which was given to me by him and which I produce.

I brought the ***box back to India*** and on arrival in Lahore placed it in the Treasury with the seals intact for safe custody.

On the 6th September, 1929, the tapes were cut by Mr. Lewis, Additional District Magistrate, in order to take out certain revolvers for purposes of identification. I produce Mr. Lewis' certificate to the effect that when he did this the tapes and seals on the box, Ex. P.864, were intact (Ex. P. F. B/4).

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The box was re-sealed by Mr. Lewis, Additional District Magistrate, and handed over by him to S. Gopal Singh, D. S. P., C. I. D.

Cross-examination.—Nil. / R. O., A. C.

26th June, 1930.

G.C. HILTON.

N.P. JENKIN

Supdt. of Police (Political), C. I. D.

P.W. 31. — Mr. Robert Churchill,Managing Director of E.J. Churchill [Gun Makers]. Ltd, Orange Street Gunworks, London, on oath:- (Concerning Murder) ***26.6.1930***

He was specially summoned from England. The weapons which included the pistol recovered from Bhagat Singh on 8.4.1929 in Delhi Assembly had been personally taken to England as per the testimony of PW 379 Suraj Narain and of PW 30 Jankins. Perhaps this was the first instance when such kind of ballistic scientific evidence was produced in any criminal trial in India.

P.W. 32. — Chaudhri Shahab-ud-Din, Sub-Inspector of Police, Special Staff C. I. D. Lahore. (Concerning Lahore) ***27.6.1930***

S.I. Police Repeats PW 23

P.W. 33. — Chaudhri Mushtaq Ahmad, Magistrate, first class, Ludhiana. (Concerning Indentification)

P.W. 34. — Abdulla, son of Isa, Lohar, 22/23 years, of Mughalpura Ganj (Lahore district), Motor Driver, on solemn affirmation: — (Concerning Murder)

It is now about 18 months ago and a few days before Christmas that I was going past the Police Office, in a motor car to Sanda about 4.30 P.M. Kamal Din, the owner of the Car, and Habib Ullah, a Sufedposh, were with me in the car. I was driving and Kamal Din was sitting beside me Habib Ullah being in the back seat. As we passed the Tahsil building, I saw one man standing near the D.A.V college and another man under some tahli trees near the Police office. These two men were on opposite sides of the road and at a distance of some 10 karams from each other. I saw a European Police Officer in uniform on a red motorcycle coming out of the Police Office Gate. Habib Ullah told me to keep on my proper side. As the Officer turned out of the gate and my car was approaching a culvert, the man standing under the Tahli tree fired one shot at the Officer with a pistol. I saw the pistol when the shot was fired. The Officer on being shot fell with his motorcycle the engine of which remained running. The motor cycle was between his legs. Then the man who was standing on the other side of the road near the College joined the first man and both of them fired at the Officer while he was lying on the ground. I saw a pistol in the hand of

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the other man when he fired at the Officer. **I then stopped the car having previously slowed down, near a culvert at the corner of a road leading past the College. The two assailants ran down this road in the direction of the College.** [Sukhdev's Remark 86: Fearn says he stopped the car.] A third man holding a bicycle was standing near the culvert and he mounted the bicycle and rode away in front of the two assailants referred to.

(Jai Gopal, approver, P. W. 2, having been brought into Court witness on seeing him says) This is the man who was standing with the bicycle and who mounting it rode away.

Some five or six months after the occurrence I identified this man (Jai Gopal) at a parade held in the Police Lines under the supervision of a Magistrate. I also identified him before the Special Magistrate when I gave my evidence. A stout European Officer in uniform and a Sikh sepoy came out of the Police Office and ran after the assailants. As the two assailants were about to turn into the College gate-way, the stout Sahib tried to seize one of the assailants who turned round and fired at the Sahib who fell down. *The Sikh followed the two assailants into the College compound* though the Sahib told him not to do so. I then heard a shot being fired. I then went up to the motor cycle of the European Officer in order to stop the engine. This I did and extricated the Sahib from under the cycle and placed him to one side. The officer was unconscious but breathing. A European officer and some constables then arrived on the scene and I saw a policeman carrying out the Sikh from inside the College compound. One leg of Sikh was trailing on the ground and the other was bent. The Sikh was placed at the side of the road near the corner of the college and water was sent for. The Sikh was bleeding and the blood was flowing down the injured leg. The Sikh drank some water but did not speak. Two or three European officers then directed me to take the wounded Sahib in my car to the hospital. The Sahib was placed in the back seat of the car and Kamal Din, Habib Ullah, three constables and I took him to the hospital. The Sahib was dead when we placed him in the car. No one interfered with the body from the place of occurrence to the hospital. The three constables lifted the body out of the car and took it into the hospital. When I left with the body of the Sahib the Sikh policeman was lying there on the side of the road. We did not return to the spot from the hospital, and went to Sanda by another route. The assailant standing under the Tahli tree who fired the first shot was of short stature and medium complexion. ***He did not appear to be a Punjabee* and looked a youngish man of about 18 or 20 years.** [Sukhdev's Remark 87: What a fine observer!] Some five or six months after the occurrence I picked out this man in a parade held at the Fort, Lahore, under the supervision of Magistrate. I also identified him from among the other accused in the Court of the Special Magistrate when giving my evidence.

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The second assailant was taller than the first assailant and his complexion was fair and he was rather good looking. His age appeared to be about 19 or 20 years. This second assailant had a small moustache but was otherwise clean shaven. I cannot describe the clothes worn by the two assailants. Some four or five months after the occurrence I identified the second assailant at a parade held at the Cantonment Kotwali under the supervision of a Magistrate. I later identified him from among the accused in the Court of the Special Magistrate when I gave my evidence. The Police Officer who was shot at when chasing the assailants fell down near the gate. ***His name was Mr. Fearn.*** [Sukhdev's Remark 88: How did he know the name?] The man whom I saw riding away on the bicycle and whom I have now identified as Jai Gopal rode straight down on the road. My car was some fifteen paces distant when I saw the first shot being fired, and some eight paces distant when the second assailant joined the first and fired. The two assailants were at a distance of four paces when they ran past my car into the college compound after the affair. The man with the bicycle was quite close to the car when I stopped it. It was not a cloudy day.

(Order- In view of the fact that the accused persons are absent from this trial at the present hearing and in order to fix the identity of certain accused persons who were identified by this witness at the time he gave his evidence in the Court of the Special Magistrate, we order, at the request of the Prosecutor, that the evidenc of this witness Abdullah duly recorded in the presence of the accused under chapter XVIII of the Criminal Procedure Code be treated as evidence in this case and be brought on to this record in accordance with the provisions of section 288 of the Cr. P. C. The said evidence will now be read to the witness.)

The statement I have just heard read out to me is the statement which I made before the Special Magistrate.

By Court.- My statement was recorded by the police four days after the occurrence. No Police officer took my name and address on the day of the occurrence nor did any one take the name and address of Kamal Din or Habib Ullah in my presence. Kamal Din, then my employer, lives in Fatehgarh which is beyond Moghalpura. Kamal Din wanted to see some relatives in a Kothi in the fields of Sanda. As stated by me before the Special Magistrate I tried to stop the engine of the Sahib's Motor Cycle but failed to do so and it was stopped by Mr. Fearn. This is correct and not as stated by me today that I actually stopped the engine. I did not know Chanan Singh before. I heard that his name was Chanan Singh after he was injured. ***I do not remember whether I stated to the police that the Sikh who came out of the police office with Mr. Fearn and pursued the assailants was in uniform.***

(Reference to the statement of this witness before the police shows

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that he is there recorded as having said that the Sikh in question was in uniform)

I did not state before the police that two men fired at the Sahib together, when Kamal Din asked me to keep to my left. What I stated was that one man fired first at the Sahib and was immediately joined by the second man who also fired at the Sahib.

Cross-examination. — Nil. / R.O.A.C.

3rd July, 1930. G.C. HILTON/ ABDUL QADIR/ J.K. TAPP.

P.W.35.—Sant Singh, Ahlmad, Special Tribunal, Lahore Conspiracy Case, Lahore. (Concerning Identification) 4.7.1929 and 7.7.1930.

P.W.36.—Muhammad Ibrahim, Constable, No. 520, Lahore District, on solemn affirmation: —(Concerning Murder)

Mostly repeats PW 34 Abdulla etc.

P.W.37—Haji Ahmad, Senior Assistant, Establishment Branch of the office of the Inspector-General of Civil Hospitals, Punjab, Lahore. (Concerning Murder) *5.7.1930*

Formal

P.W.38—Lt Col J. G. G. Swan, C.I.E., I.M.S Civil Surgeon, Lahore. (Concerning Murder) *5.7.1930 (Post mortem of Saunders)*

No injury was found on head of Saunders

P.W.39—Dr. A.E.Mathews, I.M.D.Assistant to the Civil Surgeon, Lahore. (Concerning Murder) *5.7.1930 (Post mortem of Channan Singh)*

He had only one injury, that tco on the upper thigh or groin. Azad did not want to kill him. So he shot Channan Singh on the non-vital part, who died only because of excessive bleeding. Had he been taken instantly to hospital, he could have survived. But none cared for the poor Indian policeman.

P.W.40—Dr. W.K. Coombs, M.R.C.S. England), L.R.C.P. (London), Assistant to the Civil Surgeon, Lahore. (Concerning Murder) *5.7.1930*

Formal

P.W.41—Major Briggs, I.M.S. Superintendent, Borstal Institution, Lahore. (Concerning Identification)

P.W.42—Daulat Ali Shah, Assistant Jailor, Central Jail, Lahore. (Concerning Identification)

P.W.43—Jai Dayal, son of L. Sewa Ram, Khatri, 50 years, Reader, District Court, Lahore, on S.A.: —(Concerning Identification)

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Hans Raj, Vohra (P.W.5), re-called, states on S.A.:-

I see Exh. P.E.V. a copy of the yellow leaflet referred to in my examination-in-chief as the one shown to me by Sukh Dev at the end of November or beginning of December 1926 in the Lawrence Gardens.

Cross-examination, — Nil. / R.O.A.C.

7th July 1930 G.C. HILTON

P.W. 44— Mr. Ram Lal, Revenue Assistant, Magistrate, 1st Class, Lahore. (Concerning Identification)

7.7.1930.

P.W. 45 — Mr. J.R. Morris, Deputy Superintendent of Police, Headquarters, Lahore, on oath: — (Concerning Murder)

On the 17th December 1928 I was in my room in the office of the Senior Superintendent of Police, Lahore. My room is at the back of the building and is in fact the English Record Room. At 4.30 P.M. Constable Damodar Dass came into my room and *told me that **Mr. Saunders had fallen from his bicycle and had injured himself.*** [Sukhdev's Remark 90: The man heard no sound of firing.] He asked me for my tumbler as he wanted to take some water to Mr. Saunders. I had none and told him to look for one in another room. I also got up and went in search of one. I found one, and going to the water-tap found Damodar Dass already there. I told him to hurry up, and I followed him to where Mr. Saunders was. I found Mr. Saunders lying on the road being supported by a constable. Mr. Saunders was lying on the left of the road going from the Police Office towards the Gol Bagh. Mr. Saunders was lying at a spot about 40 or 50 feet distant from the eastarn gateway of the Police Office. Mr. Saunders appeared to be dead. His motor-Cycle was lying near by. On the opposite side of the road there was a car near which Chanan Singh, Mr. Saunder's Reader, was lying wounded. The air had a smell of powder about it. *At the same time **I saw Inspector Mr. Fearn coming from the direction of the bungalow of the Principal of the D.A.V. College. He was holding on to his arm, and on enquiry he told me that he had seen two men shooting Mr. Saunders that Chanan Singh had chased the culprits into the college compound, and when in front of the Principal's bungalow he also had been shot. Mr. Fearn told me that he also had been fired at, but was fortunately missed. I then went into the college compound and found blood lying on the road in front of the Principal's house.*** [Sukhdev's Remark 91: Fearn denies.] I then immediately returned to the office in order to inform the senior officers and found the Sub-Inspector doing so on the telephone. I then with my Reader and one or two other constables hastened into the D.A.V. College grounds and started questioning the students. On information received from some

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students I continued in pursuit through the college grounds and came out near the menial quarters on to an unmetalled road. While passing behind the quarters my Reader picked up a lungi. I saw it there and then, and I identify the lungi in court, Ex. P. 488 as the one. The recovery list, Ex. P.A.S. bears my signature. I continued the pursuit and came to a bicyclewala's shop on the Langley Road. I ascertained his name to be Ata Ullah. Ata Ullah told me on enquiry that two or three men had passed by his shop one of whom had forcibly taken a bicycle from his shop. Ata Ullah pointed out the direction in which these men had gone. The direction was towards a bungalow standing in its own grounds at the end of the Secretariat Buildings. I found a number of students studying there on the lawn and enquired from them whether they had seen any men with fire-arms going in that direction, but they all replied in the negative. There was a man looking like a student near the gate of the bungalow. He had a book in his hand. I questioned him and he said that he had seen nobody, and that I should make enquiries from others standing about. I then went to some labourers who were working at the Swimming Bath, and on enquiry these men told me that they had not noticed any one with fire-arms passing by. The particular student whom I have referred to above picked me out at an identification parade in the *Police lines some two or three months later.* [Sukhdev's Remark: Wrong.] On seeing the plan Ex. P.A.W. I can say that the bungalow referred to by me above is shown on that as Hari Lodge, and it is near the Swimming Bath. I continued the search in the fields round about till it became dark when I returned to the office and made a verbal report to Mr. Scott, Senior Superintendent of Police. Several of the senior police officers came to the Hari Lodge. I gave Mr. Scott the name of those persons who had told me they had seen the assailants running through the College compound and told him what I had learnt.

By Court- Mr. Scott was not in the office when I was informed what had happened.

When I saw Chanan Singh lying wounded near the car he was in uniform. I did not see any one in the car at that time. Inspector Fearn is the only one who gave me any information about the affair as to what he had seen. There were several policemen near Mr. Saunders. Several persons were standing near the car, but I cannot say whether they were policemen or others. I did not question any of the persons standing near the car. Just as I reached there Mr. Fearn came from the direction of the Principal's house and I went up to him. ***I am not sure whether Mr. Neal, Assistant Superintendent of Police, who joined me near the Swimming Bath during my search, having come by car, was with me*** *when I questioned the particular student referred to above.*

I see the man in Court (Jai Gopal, approver, has been brought in). He

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is very like the man resembling a student carrying a book and whom I saw and questioned at the gate of Hari Lodge. I think he is the man.

08-07-1930./R.O.A.C. G.C. HILTON/ J.R. MORRIS.

P.W. 46. — Mr. W.J.G. Fearn, Traffic Inspector of Police, on oath: — (Concerning Murder)

I was in the Police office on the 17th December, 1928. I was with Mr. Saunders, Assistant Superintendent of Police, in his room from about 12.30 to 4 P.M. or a little later. I then returned to my room. My room at that time was on the front verandah of the office. Mr. Saunders when he came to office generally stood his motor-cycle just outside the window of my room. When I returned to my room I found that I still had some thing to speak to Mr. Saunders about, and so I went back to his room. On reaching his room I found that neither he nor his Reader were there. I returned to my room. I had an appointment at about 4:30 P.M. in connection with an accident and so prepared to leave office. I was putting on my helmet and belt when I heard Mr. Saunders motor- cycle start outside. I came out of my room and went straight to my motor-cycle which was standing behind the gate pillar. As I got to my cycle Mr. Saunders was just cycling out of the gate. ***As Mr. Saunders got on to the road opposite an electric light stand near the D.A.V. College I saw two men step out from near the stand and fire at Mr. Saunders.*** [Sukhdev's Remark : Two man from the same who after said 'opposite site'] Mr. Saunders was more towards his right hand side of the road than the left hand side, Mr. Saunders fell forward on to his motor-cycle. The cycle swerved to the left of the road and eventually fell over on to its left side, Mr. Saunders falling with his leg under the cycle. The two men who had fired at Mr. Saunders crossed the road to where Mr. Saunders had fallen. One man stood in front of the cycle near the front wheel and the other man about half way down opposite the engine and both these men continued to fire at Mr. Saunders as he lay on the ground. Mr. Saunders was lying on the Police Office side of the road near a tree.

Mr. Saunder's Munshi Chanan Singh was standing talking to him when I came out to my motor-cycle. I ran out to the gate in between the first and second firing followed by Chanan Singh. The two men who were firing at Mr. Saunders as he lay on the ground ran off in the direction of Court Street. I ran after the man who had been standing in front of the motor cycle. I ceased to observe the other man's movements. When we reached Court Street corner, I was overtaking this man. When we had gone up Court Street a little distance, he turned and aimed at me. As he fired I ducked so he missed me. I continued running after him. My foot slipped in a small drain at the side of the road and I came down very heavily. While I was on the ground, the man whom I was pursuing aimed

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at me again but his shot misfired. While I was getting up I saw Chanan Singh run past me going up Court Street towards the gate of the D.A.V. College. I did not see either of the assailants of Mr. Saunders going into the College gate. I did not see where they went. Chanan Singh went into the gate of the Principal's Bungalow and before he went in I called out to him not to go inside (andar na jao). Very shortly afterwards there was a sound of another shot from inside the gate and Chanan Singh came out a little later bleeding very badly from the right groin. Blood was flowing down his right leg. He came up to me and said "Sahib mar gaya". I was then s tanding just outside the gate behind the wall. After saying this to me Chanan Singh collapsed. I called for water and surahi was brought but Chanan Singh could not drink. I then ran down to the corner of Court Street and stopped a car which was coming down the road past the Police Office. I told Sub-Inspector Amar Singh who had arrived there to procure a gun. ***A gun was brought from the kutchery and taking the gun and some ammunition,*** [Sukhdev's Remark :] I went into the D.A.V. College compound. I searched all the buildings behind the main block of the College and questioned some students who were sitting about the garden there but could get no information about any persons having run through the compound. When I reached the main road behind the Volley Ball Ground, I met Mr. Morris, Deputy Superintendent of Police. ***I did not tell him what had happened.*** I then went on with Mr. Morris through the College compound in the direction of the college latrines till we reached the Dev Samaj College wall. As I was feeling sick I obtained Mr. Morris's permission and returned to the office. I received an injury to my left arm when I fell. The man standing in front of the wheels of Mr. Saunder's motor cycle looked like a student of about 5' -5" -6" in height. He was slim built, wearing a ***Christy type of cap,*** a coat of dark cloth, white trousers and *black Derby pattern* shoes which I saw from close when I fell as this was the man who fired at me. The second man who was standing opposite the engine of Mr. Saunder's cycle was taller but dressed similarly. He was also slim built. ***To the best of my knowledge this man did not fire at me.*** The interval of time which elapsed between the first firing and my falling or slipping in the drain could not have been more than three minutes. I did not notice how many persons there were in the car which I stopped. I saw a couple of men getting out of the car. About an hour later I made out a report in my own handwriting regarding the occurrence. This is a report I made out and which has been read out to me (Ex. P.A.T.). The description of the man given by me in that report is the one who fired at me.

By court - The words "thin and shorts" in my report refer to the moustaches of the man therein described. It is correct as mentioned in my report that the man who fired at me had a blue barrelled weapon. I cannot be sure that it was an automatic pistol as written in my report. When I first

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saw the two assailants they were walking towards Mr. Saunders from his right front and firing at him at the same time. It was the firing which attracted my attention towards them. The motor cycle fell on its near side with the front wheel facing up the road. Mr. Saunders was lying on his back with his head towards the Police office. One assailant stood in front of the front wheel while the other stood on the off side of the cycle on the metalled road. This latter assailant was the taller of the two. ***I did not see any car at the corner of Court Street before the arrival of the car which I stopped.*** I cannot say whether the taller of the two assailants was wearing a cap or a turban. I attended several identification parades but failed to pick out the two assailants of Mr. Saunders.

The man I saw in court just now (Jai Gopal, approver) picked me out at an identification parade.

By Court

Q.- You stated in your evidence before the Special Magistrate, "I do not know which of the two men actually fired at me, but I did observe the pistol which was fired at me," while to-day you have stated definitely that the shorter of the two assailants fired at you.

A.- When the shorter of the two assailants turned round and aimed at me I heard an explosion but I am not certain whether it came from this man's weapon or somebody else's weapon. Hence I was not certain which of the two men had actually fired at me.

I was approximately opposite point No. 10 on the plan Ex. P.A.W. when I saw the car coming down college Street from the direction of the Gol Bag, and I then went to the end of Court Street and stopped the car which halted just about the junction of court Street with college road.

The blue barrelled weapon was in the hand of the man whom I was pursuing on the left side of the road. The car which I stopped was a grey coloured one.

Cross-examination. — Nil. / R.O.A.C.

8th July, 1930 W. FEARN/ G.C. HILTON

P.W.47.— Fakir Syed Wahid-ud- din, son of Fakir Syed Najam-ud-Din, 24 years, occupation zamindari, Lahore, on S.A.:— (Concerning Murder)

Repeats PW 34 Abdulla etc.

P.W.48. —Ata Muhammad, son of Ghulam Muhammad, caste Kashmiri, aged 20-21 years, cycle repairer, Lahore, on S.A. :— (Concerning Murder)

I used to keep a cycle shop on the Langley Road, rather less than a year ago. I used to have my shop there when Mr. Saunders was

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murdered. One day about 5 P.M. I and my apprentice Muhammad Sharif and Chet Singh, a student and customer, were at the shop when two men on cycles followed by a man on foot passed by it. The man on foot came up and took hold of a cycle which was on a stand outside my shop. He ran off with that cycle pushing it with his hand. I said to him : "Babu Ji, where are you taking that cycle to?" He gave me no reply. At that time he was holding it and had not mounted it. I caught hold of the bicycle. He then said: "It is my cycle". Thereupon one of the men who had passed by riding a bicycle came to a halt. He was standing at some distance near a turning. He called out to me, ***"Let it go, Mistri, it will be returned"***, In the meanwhile the man on foot gave me a push and took the bicycle off and, mounting, rode off. He rode towards the turning near the D.A.V. College Swimming Bath. The second man, who had halted, also rode off with him. I then borrowed the cycle of Chet Singh, and followed those two men. I shouted to them two or three times and they looked back but I gave no reply. I did not catch them up. Near the Swimming Bath the man who had taken my bicycle threw it down. At that place there is a wire fence. Both men crossed that fence and the man who still had a bicycle took it through the wire fence. They took the road to the Secretariat. I took my cycle back to my shop.

Eight or ten minutes later some 10 or 15 Police officers including two or three European officers came to my shop and asked me if I had seen any person running that way. I then related to them what had happened. Shortly after that I heard the report that Mr. Saunders had been killed. About 5 or 51/2 months later I attended a parade at Cantonment in the presence of a Magistrate, and I picked out the man who had stood at the corner with his own bicycle.

I gave evidence before the Special Magistrate. During my evidence there I picked out form amongst all the accused that same man who had stood at the turning. After the parade I learnt the name of this man to be Bhagat Singh. When I picked him out before the Special Magistrate I had no doubts about his identity. I did not utter the words, "perhaps this is the man" when identifying him in the Court of the Special magistrate.

Cross-examination — Nil. / R. O. A. C.

8th July 1930. G.C. HILTON.

Hearing adjourned to 10 A.M. Wednesday, the 9th July, 1930. The accused are remanded to custody, to be produced in the Court tomorrow.

8th July 1930. G.C. HILTON.

(**Note-***Charges against the accused were framed on 11 July 1930.Master Agya Ram and Surinder Pandey were discharged. Ed).*

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P.W. 49.— Lachhmi Narain, son of L. Bulaqi Ram, Khatri, aged 26\27 years, Proprietor, The Empire Electric Engineering Works, Lahore, on solemn affirmation : — (Concerning Lahore)

A man named Jai Gopal served as an apprentice in my works probably in the hot weather of 1927. It was during the School and College Summer Vacation. He worked for about 1½ months. He was a young man. I remember his name, but there is nothing in writing as to his having worked in my Works. I see the man in Court (Jai Gopal, approver). I cannot say whether this is the same man referred to by me as Jai Gopal.

Cross-examination.—Nil / R. O. & A. C.

12th July 1930. G.C. HILTON.

P.W. 50.—L. Dina Nath, son of L. Sant Ram, Khatri, 34, Principal and Proprietor of the Bharat Motor Company and Training School, Lahore. (Concerning Lahore) 13.7.1930

Formal

P.W. 51.— Kundan Lal, son of Lal Chand, caste Khatri aged 25 years, resident of Bhera, district Sargodha, clerk and teacher, Bharat Motor Company and Training School, Lahore, on S. A.: — (Concerning Lahore)

A young man named Partap Singh entered the Motor Driving Training School, Lahore for the purpose of learning motor driving. I entered his name in the admission register; (Ex. P. N.) in which the entry is made my me. The register shows that Partap Singh's name is entered at Serial No 1530 in it and the date of entry is the 4th of July, 1928. Partap Singh's father's name is given as Devi Singh, resident of Farrukhabad, age 22.

I see the attendance register, Ex. P. N. 1, which is also kept up by me. This shows that Partap Singh attended the school from the 4th of July till the 10th of October, 1928, after which date up to 22nd of November, 1928, he is shown as being absent on account of illness. The attendance is correctly recorded. His name was struck off after the 22nd November. I produced the two registers in the Court of the Special Magistrate, Lahore, when I gave evidence there. Last year I picked out Partap Singh out of several other persons in a parade held in the Lahore Fort under the supervision of a Magistrate. I also picked out Partap Singh from among the other accused in the Court of the Special Magistrate, Lahore, when I gave evidence. I heard Partap Singh also called Mahabir Singh at the time of the identification parade.

(The prosecutor asks that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288 of the Criminal Procedure Code. Orders will be passed in due course).

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Cross-examination.—Nil / R. O. & A. C.

12th July, 1930. G.C. HILTON.

P.W. 52.—Kishen Singh, son of Ralia Ram. Sikh Jat, aged 30-31 years, Proprietor Lahori Hotel, Chawk Sabzi Mandi, Lahore. (Concerning Lahore) ***13.7.1930***

Formal

P.W. 53. — Mahant Ram, son of Bhagwan Das, Kharti, 35, Hotel keeper. (Concerning Lahore) ***13.7.1930***

Formal

P.W. 54. — Sada Nand, son of Puran Chand, Brahmin, 39, Halwai (Sweet meat maker), of Gowalmandi. (Concerning Lahore) ***13.7.1930***

Formal

P.W. 55. — Dr. G.C. Sharma, M.Sc., B.S.E.E., Ph. D., Graduate I.E.E., A.M.I.E.E, Principal, Victoria Diamond Jubilee Hindu Technical Institute, Lahore, on S.A. : — (Concerning Lahore)

I see the Register, Exh. P.B.D. It is the Admission and Withdrawal Register of my Institute from 4th January 1927 to 6th November 1929. I produced the Register in the Court of the Special Magistrate on 7th November 1929, when I gave my evidence. At No 2978 under date 25th June 1927 there is the name, "Jai Gopal, father's name L. Diwan Chand, occupation service, residence Gurjanwala, date of birth 30th November 1910." The entry has been written by Girdhari Lal, a clerk in the office. The Register is regularly kept, and I examine it from time to time. I can identify the handwriting of the clerk Girdhari lal. According to the Register, the date of withdrawal from the Institute is the 30th January, 1928 (entry marked Exh. P.B.D/1). The application from Exh. P.B.D/2 purporting to be signed by jai Gopal was handed over to me with other records by my predecessor when I took charge of the Institute on the 7th of October 1927.

Cross-examination.—Nil / R. O. & A. C.

12th July 1930. G.C. HILTON.

P.W. 56.— Salig Ram, son of Sundar Das Brahmin, Hotel keeper, 40 years, Gowalmandi, Lahore. (Concerning Lahore) ***13.7.1930***

Formal

P.W. 57.— Hans Raj, son of Harnam Das, caste Arora, 36/37 years, Terminal Tax Inspector Lahore. (Concerning Lahore) ***13.7.1930***

Had rented out his house to Yashpal in 1928 for 6-7 months.

P.W. 58.—Ram Parshad, son of Gujjar Mal, Arora 50, shop-keeper, Gowalmandi, Lahore. (Concerning Lahore) ***13.7.1930***

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Three youngmen stayed in the house for 1-2 months. Had seen Kishori Lal.

P.W. 59.—Lala Kanshi Ram, Sub-Inspector, C.I.D., Special Staff, Lahore. (Concerning Lahore) ***13.7.1930***

S.I. Police

Various items at different places and dates

P.W. 60— Mohan Lal, son of Phairu Ram, Proprietor, Khalsa Sewak Hotel, Doaba Galli, Gowalmandi, Lahore. (Concerning Lahore)

13.7.1930

P.W. 61. — Kanhaya Lal, son of L. Din Dayal, Agarwal, 70 years, Draftsmen, Gowalmandi, Lahore. (Concerning Lahore) ***13.7.1930***

Jai Gopal had stayed in his house for 3-4 months, 3 years ago.

P.W. 62. — Ghota Mal, son of Sukh Dayal caste Arora, aged 55 years, occupation shopkeeper, resident of Jaura Mori, Kucha Kirpa Ram, states on solemn affirmation. (Concerning Lahore) ***13.7.1930***

Had rented out his house 1½ years ago for two months to Sukhdev

P.W. 63. — Muhammad Jan, son of Ashur, Pathan, 40 Nanbai, Muzang, Lahore. (Concerning Lahore) ***13.7.1930***

Had seen Kishori Lal

P.W. 64. — Hussain Bakhsh, son of Fazal Din, Mirasi, 48 years, shop-keeper, Mozang, Lahore. (Concerning Lahore) ***13.7.1930***

Had seen Jai Gopal, H.R. Vohra, Bhagat Singh

P.W. 65. — Sundar Dass, son of Shiv Ghulam Das, caste Rajput, age 55 years, resident of Lachhman Gali, Lahore. (Concerning Lahore) ***14.7.1930***

Had rented out a room on first floor to a boy for a month – perhaps to Jai Gopal

P.W. 66. — Mr. S.C. Tarry, Inspector of Police, now stationed at Rawalpindi. (Concerning Murder) ***14.7.1930***

Formal

P.W. 67. — Muhammad Yakub, Constable No. 65, District Campbellpur. (Concerning Murder) ***14.7.1930***

Formal

P.W. 68. — Allah Ditta, Constable No 926 Gowal Mandi Police Station, Lahore. (Concerning Murder) ***14.7.1930***

Formal

P.W. 69. — Nawab Din, Constable No. 1032, Naib Court, Lahore. (Concerning Murder) ***14.7.1930***

Formal

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P.W. 70. — Jalal Din, Police Constable, No 1927, Lahore. (Concerning Murder) ***14.7.1930***

Formal

P.W. 71. — Sohan Singh, son of Ishar Singh, Jat, cultivation, 30, of Sultanke, Lahore District, on S.A.: —(Concerning Murder)

Chanan Singh, deceased, was my cousin. I identified his body at the time of the post-mortem examination.

Cross-examination. — Nil./ R. O. A. C.

14th July, 1930. G.C. HILTON.

P.W. 72. — Bura, son of Miran Bakhsh, Christian, aged 25, resident of Mozang, Lahore. (Concerning Lahore) ***14.7.1930***

He did the daily cleaning under close watch

P.W. 73. — Budhu, son of Bihari, Loth, 24 years, Pan Farosh, Arain Building, Mozang, Lahore. (Concerning Lahore) ***14.7.1930***

Had seen Mahavir Jai Gopal Bhagat Singh

P.W. 74. — Gaman, son of Miran Bakhsh, Christian, 14, Sweeper, Lahore. (Concerning Lahore) ***14.7.1930***

He did the daily cleaning under close watch

P.W. 75. — Bahadur Ali, Sub-Inspector, C.I.A., Lahore, on solemn affirmation : —(Concerning Murder)

I was one of the members of the investigation staff connected with the Saunder's murder.

On the 18th December, 1928, I with Bawa Mani Ram, D.S.P., and Gehna, Tracker, were examining the tracks in the compound of the D.A.V. College. While doing so Gehna Tracker, picked up an empty cartridge case from under a tree in front of the Police Office where there were blood stains. Gehna handed me the case and I gave it to the D.S.P. The cartridge case was similar to Ex. P. 864/1-A. I prepared a recovery memo and the D.S.P. made the cartridge case into a parcel and sealed it. The memo, prepared by me is Ex. P. F. J. It is signed by Bawa Mani Ram, D.S.P.

On the following day, under the instructions of the D.S.P., I searched for other empty cases. I picked up five empty cartridge cases within a distance of 19 feet or less from the spot where the empty cartridge case was found by Gehna the previous day. The five cartridge cases were all of the same kind, as the one picked up by Gehna. I prepared the recovery memo, Ex. P. F. J./1, regarding these five cartridge cases. I made over the five empty cases to Bawa Mani Ram, D.S.P., and he made them into a sealed parcel.

Cross-examination.—Nil.

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By Court.- On the 18th December, 1928, we were examining tracks and the empty cartridge case picked up by Gehna was found by chance. On the second day, the 19th, my attention was especially directed to looking for empty cases. The witnesses who have signed the recovery memo, Ex. P. F. J./1, were present with me when I found the empty cases. They signed the list there and then.

R. O. A. C.

14th July, 1930. G.C. HILTON.

P.W. 76. — Rai Sahib Lala Jawahar Lal, Inspector of Police; Lahore. (Concerning Lahore)

Conducted search of Bhagat Singh's house on 2.5.1929. Found photographs of Kartar Singh Sarabha and Bhai Santokh Singh both Ghadrites, and a few books.

P.W. 77. — Amar Singh, Sub-Inspector, Mughalpora, Lahore district. (Concerning Murder) ***14.7.1930***

Formal

P.W. 78.— Bawa Mani Ram, Inspector of Police, Karnal. (Concerning Murder) ***14.7.1930***

Formal

P.W. 79. — Taleh Mand, Head Constable, No. 54, District Police Lines, Lahore, on S.A.: —(Concerning Murder)

On the 17th December, 1928, I was working as Reader to Mr. Morris, D. S. P. and accompanied him when he went in search of the assailants of Mr. Saunders and Chanan Singh. While following the track of the assailants with Mr. Morris I picked up a lungi lying behind some sweeper's quarters. I picked it up and made it over to Mr. Morris. The lungi in court, Ex. P. 488, is the same. Shortly after, I signed the lungi at one end. I also prepared the recovery memo., Ex. P. A. S. It is in my handwriting and is correct.

Cross-examination.—Nil.

By Court.- I did not see Mr. Morris and Inspector Fearn meet and have any talk. I must have been away getting a gun.

R. O.& A. C.

14th July 1930. G.C. HILTON.

P.W. 80. — Abdul Wahid, Constable No. 23, Police Training School, Phillaur. (Concerning Murder) ***15.7.1930***

Scott had gone to Qasur on tour on 17.12.1928

P.W.81. — Khan Sahib Sheikh Muhammad Sadiq, Deputy Superintendent of Police, Lahore. (Concerning Writing) ***15.7.1930***

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Posters related to Saunders' Murder

P.W. 82. — Lala Amar Nath, Sub-Inspector of Police, Shahdara, district Sheikhupura, on S.A.: —(Concerning Writing)

In 1928 I was posted at the Anarkali Thana, Lahore. On the 23rd or 24th of December, 1928, I found the poster (Ex. P. A. X./1) posted on *the big gun outside the Museum and the poster* (Ex. P. A. X./2) *on the gate post of the Sanatan Dharam College on the Lower Mall, Lahore*. This College is about two or two and half furlongs distant from the D. A. V. College Hostel. I removed both these posters and, initialling each of them, sent them to my Superintendent.

Cross-examination. — Nil./ R. O. & A. C.

15th July, 1930. G.C. HILTON.

P.W. 83. — Rahmat Khan, Constable, No. 676, Special Staff, C. I. D., Lahore, on S.A. : —(Concerning Writing)

A few days after the murder of Mr. Saunders when I was posted at the Kutchery Thana I found an English poster on the wall of the office of the Bande Matram paper. I removed this and made it over to my superior officer. The poster was torn when I removed it. I do not know English but I can say that the poster (Ex. P. A. X./3) is the one that I removed.

Cross-examination. — Nil./ R. O. & A. C.

15th July, 1930. G.C. HILTON.

P.W. 84. — Pashauri Mal, Sub-Inspector of Police, Pay Officer, Headquarters, Lahore. (Concerning Murder) 15.7.1930

Scott had gone to Qasur on tour

P.W. 85. — Zia-ud Din, Son of Zafar Din, Rajput, 30, Guard, North Western Railway. (Concerning Murder) 15.7.1930

Scott had gone to Qasur on tour

P.W. 86. — Faqir Chand, son of Moti Lal, Bania, 30, years, Chaprasi, Lahore, on S.A. : —(Concerning Lahore)

Lala Duni Chand, Khatri, is the proprietor of the Arain Building. He lives in old Anrakali. I was in his service as a Chawkidar and rent collector for some 12 or 13 months. I left his service some 18 months ago. I also used to let out the rooms in the Arain Building on rent. I see Exh. P.A.V. This is the book in which I used to enter the rents realized by me.

A man named Partap Singh rented No. 96 in the Arain building in 1928 at the rate of Rs 10 a month. I cannot say how many persons lived with Partap Singh, but two or four persons used to visit him. I used to live in the same building. I never went to No. 96. There is an entry in Exh. P. A. V. as follows :-

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"House No. 96. Partap Singh, dated 7th November, Rs 10".

I made this entry when I let No. 96 to Partap Singh. There are other entries preceding and following the above entry. There is a second entry as follows :-

"House No. 96, Partap Singh, Rs 10 realized in advance as rent for December."

Partap Singh could not have occupied the house after December as there is no entry on account of rent for the subsequent period. (Entries marked respectively Exhs. P.A. V./1 and P.A. V./2.) The entries are in Hindi.

When I gave my evidence before the Special Magistrate I picked out five or six men from among the accused, one of these being Partap Singh and the others frequenters of No. 96. Bhagat Singh was one of the men I identified. I had previously attended two identification parades, one at the Railway Police Lines and the other at the Fort. At these parades I picked out the same persons whom I had identified before the Special Magistrate when I gave my evidence. I identified Bhagat Singh at some place of which I do not remember the name. I see the two men in Court (Jai Gopal and Hans Raj, approvers). I identified this man (pointing to Hans Raj) at a parade held at the Railway Police Lines and used to see him frequenting No. 96.

(The Prosecutor asks that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288 of the Code of Criminal Procedure. Orders will be passed in due course).

R. O. & A. C.

15th July, 1930. G.C. HILTON.

P. W. 87. — Barkat Ali, son of Adalat Khan, Rajput, 27 years, Taxi-driver, Lahore. (Concerning Lahore) ***15.7.1930***

Formal

P.W. 88.— Lala Vir Sen, son of Lala Ram Krishen, 32 years, Manager, The Tribune, Lahore. (Concerning Lahore) ***15.7.1930***

PW 5 Hans Raj Vohra's mother's letter was published on 10.2.1928

P.W. 89. — Lala Guranditta Mal, (father of PW 5 Hans Raj Vohra) son of Lala Chanan mal, Khatri, 47 years, Lecturer, Central Training College Lahore. (Concerning Lahore) ***15.7.1930***

Had given his own version

P.W. 90. — L. Mani Ram, son of L. Parmeshri Das, Kharti, 58, Secretary to the Hon'ble R.B. Lala Ram Saran Das. (Concerning Lahore) ***15.7.1930***

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Produced rent receipt Dated 12.1.1928.

P.W. 91. — Ishar Das, son of Gauri Shankar, Aggarwal, 26, resident of Gurgaon, Delhi District, Munshi of L. Ganpat Rai and Sons, Contractors, Lahore. (Concerning Lahore) 15.7.1930

Mentions that Dr Gopi Chand Bhargava had rented the house on 26.11.1929 for 8-10 months.

P.W. 92. — Gehna Khan, Tracker, Head Constable No. 1549, Lahore District. (Concerning Murder) *15.7.1930*

Formal

P.W. 93. — Wajid Ali Shah, son of Farzand Ali Shah, 24, Tinsmith, Anarkali, Lahore. (Concerning Bombs) *15.7.1930*

A Hindu boy gave a sketch about a year ago for making a device. The boy came after 3 months with the police.

P.W. 94. — Balraj son of Tulsi Ram, Jassal, 40 years, Photographer, Anarkali, Lahore. (Concerning Lahore) *15.7.1930*

Formal

P.W. 95. — Shah Din, son of Maulvi Feroz Din, 30-31 years, Photographer, Anarkali, Lahore. (Concerning Lahore) *15.7.1930*

Formal

P.W. 96. — Budhan Shah, son of Mahbub Ali Shah, Sayyad, 31, chaukidar, Kashmir Buildings, Qila Gujar Singh, Lahore. (Concerning Lahore) 15.7.1930

Had rented out Room No. 69 on 15.3.1929 to Bhagwati Charan. Had seen Sukhdev and Kishori Lal in the room till they were arrested after one month.

P.W.97. — Mr. T. Tyson, Superintendent, Government Printing, Punjab, Lahore. (Concerning Writing) 16.7.1930

Gives technocal details of his examination of printing equipment recovered by police

P.W. 98. — Muhammad Hussain, son of Sheikh Nur Din, 52, General Foreman, Government Printing Press, Lahore. (Concerning Writing) *16.7.1930*

Formal

P.W.99. — Bashir Bakhsh, son of Khawaja Muhammad Bakhsh, Kashmiri, 20, House proprietor, Lahore, on S.A. : —(Concerning Lahore)

I am the owner of the Kashmir building opposite Qila Gujar Singh on McLeod road. Budhan Shah. (P. W. 96), is the Chaukidar in charge of this building. I rented set No. 69 in this building to a man named Bhagwati

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Charan on the 16th March, 1929. Budhan Shah, Chaukidar brought the man to me. The rent was fixed at Rs. 13 per mensem. Bhagwati Charan signed the printed form, Exh. P. E. He paid me Rs. 13 as one month's rent in advance. He also paid Rs. 1-8-0 for the purchase of a regular rent-deed. Exh. P. E./1 is the regular rent deed. Exh. P. E./2 is a printed form of authority signed by Bhagwati Charan in favour of my Munshi to purchase a stamped rent deed. Exhs. P. E. and P. E./2 were signed by Bhagwati Charan on the 16th March, and the regular rent deed, Exh. P.E./1, some six or seven days later. No. 69 was occupied for about a month.

On the 15th April, 1929, while I was supervising the work of some of my labourers at about 7 A. M. Sub-Inspector Kundan lal called me and took me to No. 69. We went upstairs and in the front room I found Khan Bahadar Abdul Aziz and in the inner room there were three persons detained by some Police Officers. There were also two or three other persons there. On arrival I learnt that the names of the three persons who had been detained by the Police were Jai Gopal, ***Sukh Dev*** and Kishori Lal. I see the man in Court (Jai Gopal, approver). He was one of the three persons under detention. I picked out the other two men ***Sukh Dev*** and Kishori Lal from among the accused in the Court of the Special Magistrate when I gave my evidence.

The persons of these three men were searched in my presence. I see the revolver in Court, Exh. P. 122. This was recovered from the person of ***Sukh Dev.*** The tin box, Exh. P./13, containing cartridges, was also found in the pocket of ***Sukh Dev.*** The recovery list, Exh. P. E./3, relating to the articles found on the person of ***Sukh Dev***, bears my signature and is correct. Exh. P. E./4 is the recovery list relating to the articles recovered form the person of Jai Gopal and Exh. P. E./5 is that of Kishori Lal. Both these lists bear my signature and are correct.

While the persons of Jai Gopal and Kishori Lal were being searched by the Police in the outer room where Khan Bahadur Abdul Aziz was standing, Sukh Dev came into that room from an inner room. He pretended to be feeling sick and tried to get something out of his pocket. On seeing this Khan Bahadur Abdul Aziz ordered him to be seized. Thereupon Sukh Dev putting his hand into his pocket pulled out the revolver which is Exh. P./122 and which was loaded. Sub-Inspector, Kundan Lal, however, then caught him by the wrist and took away the revolver from him.

The premises were then searched by the Police and among other things recovered was a live bomb in a black tin box. Exh. P. 2 is the tin box. Certain chemicals and some empty bomb shells were found in a cupboard. All the articles found in the rooms were taken possession of by the Police and the recovery list prepared. Exh. P. C. is the list, in question. It bears my signature and is correct.

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The box containing the live bomb was recovered on information given by ***Sukh Dev***, accused, who pointed it out to the police on a shelf, saying that there was a live bomb in it.

I made over the documents, Exh. P.E., P. E./1 and P. E./2. to the Police at their request on the following day. Exh. P. E./6 is the memorandum relating to those documents and bears my signature.

I live in the Australia building near the Railway Station.

I pay Rs. 2,500 or Rs. 3,000 as income tax.

(The Prosecutor requests that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288 of the Code of Criminal Procedure. Orders will be passed in due course.)

Cross-examination. — Nil./ R. O. & A. C.

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P.W. 100. — Ahmad Din, son of Rahim Bakhsh, Kashmiri Butt, 50/55 years, Munshi of Khawaja Bashir Bakhsh, Lahore. (Concerning Lahore) ***16.7.1930***

Proved the rent deed of 15.3.1929

P.W. 101 — Chaudhri Habib Ullah, son of Chaudhri Nabi Bakhsh, Rai Gelan, 46 years, Sufed posh, Fatehgarh, Lahore. (Concerning Murder) ***16.7.1930***

Mentions dresses of Raj Guru & Bhagat Singh

P.W. 102. — Kamal Din, son of Jalal Din, Arain, 34, Cashier, Central Co-operative Bank, Lahore. (Concerning Murder) ***16.7.1930***

Mentions dresses of Raj Guru & Bhagat Singh

P.W. 103. — Ali Gauhar, Constable, No. 64, Lahore District. (Concerning Murder) ***16.7.1930***

Formal

P.W. 104. — Ghulam Rasul, Head Constable, No 462, Lahore District. (Concerning Murder) ***16.7.1930***

Formal

P.W. 105. — Jagan Nath, Head Constable, No. 205 Lahore District, at Kasur. (Concerning Murder) ***16.7.1930***

Formal

P.W. 106. — Maghar, son of Dodi, Balmiki, 35 years, Sweeper, Lahore. (Concerning Murder) ***16.7.1930***

Narrates the sequencwe of events related to the escape of Bhagat Singh & Azad

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P.W. 107. — Lajpat Rai, son of L. Sharanpat, age 22 years, Student, Veterinary College, Lahore. (Concerning Murder) *16.7.1930*

Formal

P.W. 108. — Sharanpat, son of Jhanda Ram, Ghulati Zilladar, Sirhind Canal, Ferozepore Division. (Concerning Murder) *16.7.1930*

Formal

P.W. 109. — Mohammad Din, Assistant Sub-Inspector, Lahore. (Concerning Lahore) *16.7.1930*

Formal

P.W. 110. — Brahm Dutt, son of L. Dharam Chand, Khatri, 19, Service in the Electric Supply Co., Lahore, on S.A.: —(Concerning Lahore)

I appeared in the examination of the National School, Lahore, in 1927, but failed to pass. The school broke up in 1926 but those pupils who were reading in the school were allowed to sit for their examination in 1927.

Jai Gopal, whom I see in Court was one of my class fellows. He passed the examination. After the examination I joined the Victoria Diamond Jubllee Hindu Technical Institute, Lahore. Jai Gopal also joined the institute. I was in the Institute for some two years and .'ai Gopal for some six or seven months.

Cross-examination. — Nil./ R. O. A. C.

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P.W. 111. — Ram Rakha Mal, son of Nathu Ram, Khatri, 31/32 years, Qaumi Laundry, Gowalmandi, Lahore. (Concerning Lahore) *16.7.1930*

Formal

P.W. 112. — L. Kundan Lal, Sub-Inspector, No. 54, Thana Gowalmandi, now on Special Duty. (Concerning Lahore) *17.7.1930*

S.I. Police; wrote the F.I.R.

P.W. 113. — Guran Diwaya, Head Cosntable, No 1357, Thana Patti, Lahore District. (Concerning Murder) *17.7.1930*

Formal

P.W. 114. — Ram Saran Das, son of Ganpat Rai, Rajput, 41, Booking Clerk, N. W. Ry., Lahore on S.A. :— (Concerning Murder)
[Sukhdev's Remark 108: False witnesses; only to corroborate Jai Gopal. None went to Cawnpore. Police could not trace the reality.]

I see Daily Train Cash Book, Ex. P. C.E., and find that, on the *20th*

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December, 1928, one Second class Christmas Return Ticket was issued from *Lahore to Cawnpur*. The entry relating to the issue of this ticket is on page 143 of the above book, Ex. P.C. E./1. The number of the ticket was 000001.

Cross-examination.—Nil.

By Court.-The ticket was available till the 15th of January following. On that date no other Second Class Ticket was issued for Cawnpur. This ticket was issued between 8 P.M. and 12 midnight according to the register.

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P.W. 115.—Hari Chand, son of Malawa Mal, 46, Khatri, Booking Clerk, N. W. Ry., Lahore Station, on S. A.: —(Concerning Murder) [Sukhdev's Remark 109: False witness.]

I see Daily Train Cash Book, Ex. P.C.F., and find therein an entry under date *20th December 1928*, showing the issue of a *Servant Christmas Return* Ticket, form *Lahore to Cawnpur*, bearing No. 000000. No other such ticket was issued on that date for Cawnpur. This entry is on page 86 of the book and is Ex. P.C.F/.1. This ticket was available upto the 15th January 1929.

Cross-examination. — Nil./ R. O. & A. C.

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P.W.116.—Niaz-ud-Din, son of Amir Mohammad, Sheikh, 31 Ticket Collector, E.I.R., Cawnpur Central on S.A.: —(Concerning Murder) [Sukhdev's Remark 110: False witness.]

I see Ticket Collectors' Register, Ex. P.F.L. On referring to this I find that, on 21st December 1928, the outward half of one Second Class Christmas Return Ticket No. 000001, issued at Lahore on the previous day, was collected on the arrival of 14 Down Express at Cawnpur. The half of Servant Christmas Return Ticket No. 000000 issued at Lahore on the previous day was also collected on the 21st December 1928 on arrival of the same train at Cawnpur. The entries relating to these two tickets in the Ticket Collectors' Book are in my handwriting.

Tej Singh was the Ticket Collector at the main gate at that time. Servant tickets are collected along with the tickets of their masters, as they generally go out with their masters through the main gate.

Cross-examination. — Nil./ R. O. & A. C.

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P.W. 117. — Tej Singh, son of Ishari Singh, 36 years, Ticket Collector, Cawanpur Central Station, Cawnpur, on S.A. : — (Concerning Murder) [Sukhdev's Remark 111: False witness.]

On the 21st of December, 1928, I was on duty at the Exit gate for First and Second Class passengers. I see Ticket Collectors Register, Ex. P.F. L./1, and find on that date I collected the half of Second Class return ticket No. 000001 and half of one Third Class servant ticket No. 000000 issued at Lahore on the previous day. These were collected on the arrival of 14 Down Express. The entries in Ex. P.F.L/1 relating to the above two tickets have been made by Niaz-ud-Din (P. W. 116).

Cross-examination. — Nil./ R. O. & A. C.

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P.W. 118. — Tara Singh, son of Sham Singh, Khatri, 40 years, Booking Clerk, Lahore, North-Western Railway, on S.A.:— (Concerning Murder) [Sukhdev's Remark 112: False witness. No one went to Cawnpur after Saunder's murder]

I see Daily Trains Cash Book of Down Delhi side Ex. P. C. G. and on page 44 there is an entry showing that on the 21st December, 1928, I issued two Third Class tickets for Cawnpur via Saharanpur. The numbers of the tickets were 000183 and 000184. These two tickets were issued between 8 A.M. and 12 noon. The entry relating to these two tickets is in my handwriting (Ex. P.C.G./1). No other Third Class tickets for Cawnpur via Saharanpur were issued on that date.

Cross-examination. — Nil./ R. O. & A. C.

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P.W. 119. — Mushtaq Hussain, son of Afzal Hussain, Syed 25 years, Transhipment Checking Clerk, Muttra Junction, G. I. P. Railway, on S.A. : —(Concerning Murder)

I see the Register of Daily Return of Blank Card and Paper Tickets, Excess Fare Receipts, etc., Ex. P. F. M. Under date 26th December, 1928, there is an entry in my hand writing, Ex. P. F. M./1, showing that one Third Class paper ticket issued at Lahore bearing No. 59764 was collected on arrival of 30 UP at Muttra junction at 11-34 P.M. The paper ticket collected was sent with others to the Head Office at Bomaby the following day. The number of the paper ticket given by me as 59764 is wrong, as appears from P.C.H./1. The correct number should be 069764. The number shown in Ex. P.C.H./1, is printed and must be the correct number.

Cross-examination. — Nil./ R.O.A.C.

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P.W. 120. — Mir Zaigham Hussain, Sub-Inspector, No 38, Railway Police, Bhatinda. (Concerning Delhi) 17.7.*1930*

On 26.4.1929 got the hat from Wadhawa Ram Delhi Jailor (PW 353).

P.W. 121.— Muhammad Usman son of S. Abdul Subhan, Sayed, 50, Draftsman, Mozang, Lahore. (Concerning Lahore) *17.7.1930*

Had prepared site plan of the building in connection with the raid.

P.W.122.— Muhammad Ismail, Assistant Sub-Inspector, C.I.D. Special Staff, Lahore. (Concerning Lahore) 17.*7.1930*

Dwaraka Dass Library 20.4.1929

P.W.123. — Bakhshi Badri Nath, Sub-Inspecter of Police, C.I.D., Lahore on S.A :— (Concerning Writing)

I went to the Eastem Printing Press, Cawnpur and searched it on the 28th of September, 1929, I took possession *of the four letters "HSRA" in Court, Ex.P 857. Muhammad Hussain (P.W.98), General Foreman,* Punjab Government Printing Press, accompanied me. I took one of the leaflets from Ex.P.442 with me, I prepared the recovery memo.Ex.P.E.Z/1, at the time. It is signed by me and is correct. The proof, Ex.P.E.Z of the letters 'H.S.R.A' was taken in my presence from the letters, Ex.P.857.

I got two letters from the Lahore Post Office addressed to one Babu Singh C/o Bhayon ki dukan, Dhobi Bazar, Lahore. I had the letters and the envelopes in which they were enclosed, photographed by ***Shah Din photographer*** (P.W.95). Shah Din returned the letters and the envelopes with the photographs thereof, Exs.P.F. 7 to P.F.11. Exs.P.F.D.64 to P.F.D. 69 are the duplicates of Exs. P.F 7 to P.F. 11 given to me by Shah Din. I compared the photographs with the original letters and envelopes and they are correct. The letters were ***returned to the Post Office for delivery to the addressee.***

I went to Calcutta in the month of July 1929. On the 6th of July 1929, I took possession of two registers, Exs. P. F. N. and P.F.O., from Babu Ramesh Chandar, Chaudhri, Proprietor, Eastern Home Hotel, 209, Cornwalls Street. I prepared the recovery memo of these registers, Ex. P.F.P. In the register, Ex. P.F.N., I signed the entries, Exs. P.F.M/1 and P.F.N/2. In register, Ex. P.F.O., I signed the entries, Exs. P.F.O./1, P.F.O./2 and P.F.O/3. All these entries were exactly the same as they are now.

On the 7th of July 1929, I went to the Nobin Pharmacy, 81, Harrison Road and took possession of two cash-memo books, Exs. P.F.R. and P.F.S.I signed the entries, Exs P.F.R.I. and P.F.S.I. in each of these two books. Ex. P.F.Q. is the recovery memo relating to these two books which I prepared at the time. It is signed by me and is correct.

On the 9th of July 1929, I went to the Calcutta Chemical Company, Limited, 35/1. Pondatia road, Bally Gunj, Calcutta and took possession of

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the cash memo book, Ex. P.F.T., and signed the entry, Ex. P.F.T./1 therein. I prepared the recovery memo. Ex. P.F.T./2 at the time. This is signed by me and is correct.

In 1928 I used to attend the meetings of the Students' Union, Lahore, and make a report of the proceedings. I used to see Hans Raj Vohra (approver) at these meetings. He appeared to be the convener of the meeting.

Cross-examination. — Nil./ R. O. A. C.

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P.W. 124. — Pandit Munshi Ram. Inspector of Police, C.I.D., Labore. On S A :— (Concerning Rawalpindi)

At the end of December, 1928, Hans Raj Vohra, approver pointed out the Arya Samaj Premises and a house in Hamilton Bazar in Rawalpindi.

On the 2nd May, 1929, I searched the house of Kishan Singh, father of Bhagat Singh, accused. I took possession of certain articles of which Ex. P.C.Q. is the recovery list which I correctly prepared at the time. It is signed by me and is correct. Inspector Jawahir Lal (P.W.76) was with me at the time of the search. The recovery list was written by him.

Cross-examination. — Nil./ R. O. A. C.

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P.W. 125. — Lal Chand, son of Mushtaq Mal, Khatri, 50, Clerk, Loco. Shops, N.W.Ry., Lahore. (Concerning Lahore) 17.7.1930

Rented out his house in December 1928 to two youngmen and one lady (Possibly Sukhdev's Mother : Ed.), who stayed here for 10 days. Had seen Kishori Lal.

P.W. 126. — Siraj Din, son of Muhammad Din, 31/32 years, Moulder, Brandreth Road, Lahore. (Concerning Bombs) 18.7.1930

A tall fair complexioned boy showed me a device. He wanted me to make more like that. It was a complicated device. Kishori Lal used to visit me. One and a half months before his last visit police came to my shop. First boy who met me was in fact Sukhdev.

P.W. 127. — Firoz Din, son of Nur Din, Carpenter and Pattern-maker, 25/26 years, Lahore. (Concerning Bombs) *18.7.1930*

Same as PW 126

P.W. 128. —Siraj Din, son of Alla Ditta, Arain, thirty, Moulder and Turner, Brandreth Road, Lahore. (Concerning Bombs) *18.7.1930*

PW 126 had brought the 'youngman' to his shop.

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P.W. 129.— Ghulam Rasul, son of Jalal Din, Sindhu Jat, 20 years, Lohar, Brandreth Road, Lahore. (Concerning Bombs) 18.7.1930

His shop is close to that of PW 126. He repeats PW 126. He further said that he grew suspicious and followed Kishori Lal to his room in Kashmir Building. Then he disclosed it all to Head Constable Nur Shah PW 132.

P.W.130. — Jalal Din, son of Allah Bakhsh, Jat, 55. Blacksmith, Brandreth Road, Lahore, on solemn affirmation :— (Concerning Bombs)

Ghulam Rasul (P. W. 129) is my son. Both of us work at the same shop. It is now some seventeen months ago and a few days before the Ramzan of last year that a tall young man came to my shop with five plugs and asked me to turn screw threads in them so as to fit the openings in the iron articles that he had with him. The young man told me that he had given the four plugs to Siraj Din to turn and he had not done so and hence he had brought them to me for the purpose. The five plugs which the young man brought were similar to the one in Court, Ex. P.88. The articles into which the plugs were to be fitted were similar to the one in court, Ex. P. 94/203. He paid me for turning screw threads in these five plugs. This work was done while the young man waited. Three or four days later the same young man brought five iron articles and five plugs for screw threads to be turned in them and cuts made in the ridges on the outside of each of the five articles. One of the two projections at each end of the articles was to be divided in two and a hole made through this and the one at the other end to have a hole made in it. This work was done and on the following day the articles were taken away by the young man.

Five or six days later the young man came again with five iron articles and five plugs which he wanted turned and cut in the same way. I then asked him for what these articles were wanted and he said they were parts of a new gas machine. On the third day the young man came and took the finished articles away. He took away the five iron articles and the five plugs in his pockets. He was on a bicycle.

Some seven or eight days later the same young man came again to my shop with another of about 18 or 19 years of age, of short stature and with a defect in one eye. The young man brought ten iron articles and ten plugs for the same work to be done on them. The young man told me that when the above articles were ready, they should be given to his companion with the defect in one eye when he came for them and he would pay the dues.

On the third day, the younger of the two with the defect in one eye came to my shop and I gave him the above articles and he placing them in a haversack took them away. He was on bicycle.

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One day when my son was working on the ten articles and ten plugs Haji Mohammad Hussain, a friend of mine, came to my shop and asked my son for what purpose he was turning those particular articles. My son told him that some Babus were having them made and had said that they were parts of a gas machine. [Sukhdev's Remark 118: Quite clear. This is how the suspicion arose.] ***Mohammad Hussain then remarked that the machine should be seen or some enquiry should be made about the matter lest the work should prove to be risky.*** [Sukhdev's Remark 119: This is how Nur Shah was informed.]

Some four or five days later Nur Shah, Constable whom I know, came to my shop to have a smoke and ***during the course of conversation, I asked him what he was doing and he said that he was concerned in the investigation into the Dussehra Bomb Explosion. I then mentioned to him about these articles which we had turned at our shop at the instance of some Babus,*** [Sukhdev's Remark 120: What a fine chance! See the outcome of a by chance conversation and leisure gossip.] *Nur Shah went away without saying anything. Nur Shah came again the following day and took my son away, saying that he wanted to take him before the "Kaptan Sahib." My son returned after two of three hours and told me that the Police Superintendent wanted to know whether he knew where the* ***Babus lived and my son had told him that he did not know but he would try and find out if the Babus came again.*** [Sukhdev's Remark 121: Ghulam Rasul says that he showed the houses to Nur Shah before he went to Abdul Aziz. See Note Sr. No. 117 and 123.]

Some four or five days after this the shorter of the two ***Babus with the defect in one eye came to our shop*** *[Sukhdev's Remark 122: At this time* he informed Kishori Lal that police is con... about him. But we were so careless that we did not m... it very much. Thus the consequences.] and wanted three iron legs made. *He brought a pattern cut out in paper and we made him three legs according to the pattern. The Babu was on a bicyle and when he went away with three legs my son followed him on a bicycle and when he came back he told me that he had seen the Babu entering the Kashmir Building belonging to Muhammad Bakhsh of Australia.*

On the second or third day Nur Shah, Constable, again came to our shop and asked whether we had discovered where the Babus lived and I told my son to take Nur Shah and point out the building to him.

The three legs attached to Ex. P. 56 in court are the ones which we made for the shorter of the two Babus with the defect in one eye.

Cross-examination. — Nil./ R. O. A. C.

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P.W. 131.— Haji Muhammad Hussain, son of Muhammad Ramzan, Blacksmith, 65, of Kotli Loharan, now resident of Qila Gujjar Singh Lahore. (Concerning Bombs) ***18.7.1930***

Friend of PW 130 – repeats him.

P.W. 132.— Nur Shah, Head Constable, No. 331, on Special Duty, Lahore. (Concerning Bombs) ***18.7.1930***

Verified facts relating to manufacture of bombs and reported the same to S.P. leading to the raid on the building.

P.W. 133.— Rai Sahib Lala Wazir Chand, Additional District Magistrate, Rawalpindi, on. S.A.:— (Concerning Rawalpindi)

Repeats Jai Gopal's statement relating to Rawalpindi, dated 6.5.1930.

P.W. 134. — Gian Chand, son of Devi Ditta Mal, Brahmin, 65. Clerk, Martin Press, Rawalpindi. (Concerning Rawalpindi) ***19.7.1930***

Formal

P.W. 135. — Lala Sita Ram, son of Lala Devi Das, Khatri, 58, Proprietor, Martin Press, Rawalpindi. (Concerning Rawalpindi) ***19.7.1930***

Formal

P.W. 136.— Hari Chand, son of Bindra Ban, Khatri, retired postman, 57, of Rawalpindi. (Concerning Rawalpindi) 19.7.*1930*

Formal

P.W. 137.— Hori Lal, son of Shiv Ram Das, Mohyal Brahmin, 28 years, Clerk, Arsenal Rawalpindi. (Concerning Rawalpindi) 19.7.1930

Formal

P.W. 138.— Kashmira Singh, son of Sundar Singh, Ahluwalia, 52, Sub-Post master, Anarkali Post Office. (Concerning Rawalpindi) ***19.7.1930***

Formal

P.W. 139. — Kharak Singh, Police Head Constable No. 346, Police Lines,Rawalpindi. (Concerning Rawalpindi) 19.7.*1930*

Formal

P,W. 140. — Fazal Abbas, son of Daud Bhai, Borah, 23 years, dealer in Arms and Ammunition, Rawalpindi. (Concerning Rawalpindi) ***19.7.1930***

Formal

P.W. 141. — Gurdial Singh, son of Harnam Singh, khatri, 32 years, Agent, German House, Rawalpindi. (Concerning Rawalpindi) ***19.7.1930***

Formal

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P.W. 142.— Babu Muhammad Afzal Maqbul, son of Sheikh Fazal Karim, 30 year, Clerk, Postal Department, Lahore. (Concerning Rawalpindi) *19.7.1930*

Formal

P.W. 143. — Tulsi Ram, son of Brahm Das, 22, compounder, Arya Samaj Dispensary, Rawalpindi. (Concerning Rawalpindi) *19.7.1930*

Formal

P.W. 144. — Som Nath, son of Ram Nivas, Khatri Marwaha, student of D.A.V. College, Lahore. (Concerning Murder) 19.7.*1930*

Gives his version of the escape

P.W. 145. — Abnash Chand, son of Diwan Chand, 18, Thakar Arora, Student, D.A.V. College, Lahore. (Concerning Murder) *19.7.1930*

Narrates what he had seen.

P.W.146. — Balak Ram, son of Lala Bishan Das, Khatri, 36 years, of Messrs. Beli Ram and Brothers, Chemists, Anarkali, Lahore. (Concerning Bombs) 19.7.*1930*

Had sold acids on 3.4.1929.

P.W. 147. — Asa Singh, son of Narain Singh, Arora, 29, Chemist and Druggist, Chawla and Company, outside Lohari Gate, Lahore. (Concerning Bombs) *19.7.1930*

Had sold Methylated spirit.

P.W. 148. — Ichhru Ram, son of Devi Ram Khatri, moulder, 30 years, Brandreth Road, Lahore. (Concerning Bombs) 19.7.1930

1½ years ago Kishori Lal came and gave him some wooden patterns and ordered 20 devices according to these pieces. Five six days after he took away these devices, the police came.

P.W. 149. — Lahori Ram, son of Sundar Das Rajput, 30 years, Milk-seller, Gowalmandi, Lahore. (Concerning Lahore) *19.7.1930*

Repeats PW 65. Had seen Mahavir

P.W. 150. — Muhammad Ibrahim, Constable No. 1814, stationed at the Police Training School, Phillaur. (Concerning Murder) *19.7.1930*

Formal

P.W. 151. — Sadiq Ali Shah, Inspector of Police. C.I.D, Punjab. (Concerning Lahore) 19.7.1930

Formal

P.W.152. — Ch. Ghulam Rasul, Deputy Superintendent of Police, Amritsar. (Concerning Delhi) 21.7.1930

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Took along Kishori Lal to Delhi. Also went to Bhagat Singh in Delhi Jail.

P.W. 153. — Sh. Bashir Ahmad, son of Rashid Ahmad alias Bundu. caste Sheikh, age 27, Cycle Dealer, Khaibar Pass Market, Delhi. (Concerning Police) 21.7.1930

Formal

P.W. 154. — Karam Singh, Inspector of Police, C.I. D., Delhi. (Concerning Police) *21.7.1930*

Formal

P. W. 155.— Zawar Hussain, son of S. Asghar Ali Syed, 35 years, Assistant Manager of the Court of Wards Estate of Rai Bahadur Sardar Buta Singh, Delhi. (Concerning Police) 21.7.1930

Formal

P.W. 156. — Syed Karam Shah, Magistrate, I Class, Sargodha. (Concerning Amritsar) 21.7.1930

On 14.6.1929 accompanied Hans Raj Vohra to house No. 2679/5 in Gali Nikka Singh, passing through Katra Ahluwalian, where Vohra had stayed with Master Agya Ram for 5/6 days, from 3.1.1928 onward.

P.W. 157. — Lieutenant Karam Chand, son of L. Kirpa Ram, Brahman, 60, of Gujrat, I.M.D., retired, on S.A. :— (Concerning Writings)

I Know Prem Dutt. accused, in this case. He is a resident of Gujrat and I know his whole family. I see the recovery memorandum, Exh. P.C. A/1. All the articles entered therein were produced by Prem Dutt in my presence. Prem Dutt produced these articles from a room in his house. The room was locked and Prem Dutt opened it after obtaining the key from a female relative of his. The list of articles has been correctly prepared and bears my signature. All the books recovered and entered in the list bear my initials.

I identify Exhs. P.481. P.510, P.511, P. 511/1, P. 547. P. 549, P. 554. P. 555 and P. 562 (books) P. 566 (paper weight). P. 561 and P. 565 (pictures). P.570 (book), P. 471 (tin box). P. 504 (muffler). P. 482 (coat), P. 567 (fez), P. 475 (flexible knife), P. 568 (telescopic metalwhip), P. 474 (two dry batteries), and P.489 and P. 725 (two pairs of shoes) as being among the articles produced by Prem Dutt and entered in the recovery list referred to above.

Prem Dutt then went to another house of his and from a box in that house produced the articles entered in the recovery list, Exh. P.C. A\2. This list bears my signature and is correct.

I identy Exhs. P. 584, P. 585, P. 586, P. 573,. P. 576, P. 571 and P.578\4 (books and pamphlets) as being among the articles produced by Prem Dutt and referred to in the recovery list mentioned by me.

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When I gave my evidence in the court of the Special Magistrate I saw Prem Dutt among the accused in the dock.

Cross-examination. — Nil./ R. O. & A. C.

21st July, 1930. G.C. HILTON.

P.W. 158. — Allah Bakhsh, son of Allah Jowaya, Arain' 40, resident of Gujrat, occupation cultivation. (Concerning Lahore) 21.7.1930

Formal

P.W. 159.— Ram Rattan, son of L Hira Lal, Khatri, 48, sahukara, resident of Gujrat. (Concerning Lahore) 21.7.1930

Formal

P. W. 160. — Shams-ul-Haq, Sadiqi, son of M. Habib Ullah, caste Shaikh Sadiqi, 30 Overseer, N. W. Ry., Lahore. (Concerning Rawalpindi) 21.7.19*30*

Formal

P.W. 161. — Rahmat Din, Son of Fazal Ahmad, Pathan, 21. Trolley-man, of Sarai Madhu, Rawalpindi District. (Concerning Rawalpindi) *21.7.1930*

Formal

P.W. 162.— Balak Ram, son of L. Ganpat Rai, Khatri, 48 Station Master, Chikarkot. (Concerning Rawalpindi) *21.7.1930*

Formal

P.W. 163. — Amar Singh, L.H.M.S., son of Doctor Narain Singh, 35 years, Medical Practitioner, Kohat. (Concerning Rawalpindi) 21.7.1930

Formal

P.W. 164. — Ram Ditta Mal, son of Dasondhi Ram, Khatri, 24 years, Agent to Sardar Buta Singh, Kohat. (Concerning Rawalpindi) 21.7.1930

Formal

P.W. 165. — Sahibzada Mirza Aitizaz-ud-Din Ahmad Khan, Superintendent of Police, Ludhiana. (Concerning Police) *21.7.1930*

Formal

P.W. 166. — Dr. W.P. Robson, M.A., Ph.D, A.I.C, Works Inspection Officer, Cordite Factory, Aruvankadu, recently officiating Chief Inspector of Explosives. (Concerning Bombs) *21.7.1929*

Recalled on 24.10.1929. Compared the different bombs with each other, which had been recovered from various places/incidents and raids on the premises of the revolutionaries.

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P.W.167. — Khan Sahib Mirza Mehdi Hussain Khan, Section 30 Magistrate, Lahore. (Concerning Identification)

P.W. 168. — Abdur Rahman, son of Haji Aziz Ullah, Sheikh, 50/55 years, Contractor, Delhi. (Concerning Delhi) 21.7.1930

Accompanied police, and an accused to the house of an old lady in Dai Bara.

P.W. 169. — Mussammat Mukandi, widow of Musaddi Lal, Bania Aggarwal, 40years Dai wara, Nai Sarak, Delhi, on S.A. :— (Concerning Delhi)

I occupy the lower storey and rent the upper storey of my house. Some fifteen months ago a man, whom I knew as Master, came to me and wanted the upper storey on rent for four young men. I was only willing to rent the upper storey to a family man and, on the Master assuring me that the four young men would bring their families within eight days, I agreed to rent the upper storey at Rs 15 per mensem. The Master paid me Rs.14.

Next day the four young men came and occupied the upper storey. They stayed there for 6 days and then three, out of the four, left and, on my enquiry, the Master informed me that they had gone to get their families. The Master stayed with the one who remained behind for one day and then he with the remaining young man left. They locked up one room in the upper storey when they went away.

Eight days later I went to the Master and told him to have the room opened, but he asked me to wait for a few days. After a few days the Master came, opened the lock and made over the room to me.

When I gave my evidence before the Special Magistrate I picked out two of the four young men from among the accused in the dock. I could not pick out the other two.

I attended a parade at the Mianwali Jail and there picked out one of the four young men referred to. I also attended a parade at the Hauz Qazi Thana and picked out another of the four young men. I also attended two parades at Lahore at which I picked out the same two young men whom I had previously identified at Mianwali and at Delhi.

(The Prosecutor requests that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288 of the Code of Criminal Procedure. Orders will be passed in due course.)

Cross-examination. — Nil./ R. O. & A. C.

21st July, 1930. G.C. HILTON.

P.W. 170.— Banwari Lal, Head Constable, No. 130, Delhi. (Concerning Delhi) 21.7.1930

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House of Mrs Mukandi was opposite to his house. Three/four boys stayed there for 8/10 days. He saw them reading books and he did not notice anything suspicious about them. They had 3 cycles.

P. W. 171.— Harnam Singh, son of Thakar Singh, 50, Sikh, Tailor, Nai Sarak, Delhi(Concerning Delhi) 21.7.1930

His close relatives lived close to this house. On 8.4.1929 say two of the boys in handcuffs.

P.W. 172 — Ram Saran Das, son of Gangan Mal, Bania, 50 years, Picture Framer, Delhi, On S.A. :— (Concerning Delhi: Owner-Sita Ram Bazaar House)

It is now some fifteen months ago that one day I found five or six young Babus in a vacant chaubara of mine. I asked them what they were doing there and they said they had taken the chaubara on rent from *Master Changu Singh*, who was a tenant of mine. I asked Changu Singh as to why he had rented the chaubara without my permision, and he told me that he had rented it through a friend of his. Those Babus remained there for about a month and I realized Rs.5-2-6 on account of the rent. Jugal Kishore, a tenant of mine in the lower storey, complained about the Babus keeping their bicycles in front of his house. I spoke to the Babus about the matter and I had their bicycles removed and told them to vacate the chaubara. Some four or five days later I found the chaubara had been vacated.

When I gave my evidence before the Special Magistrate I picked out one of these Babus from among the accused in the dock. I had previously picked out the same man at a parade held in the Mianwali Jail. After I had identified him at the Mianwali Jail I learnt that this man's name was Bhagat Singh. I had seen him frequenting the chaubara referred to above.

[The Prosecutor requests that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288 of the Code of Criminal Procedure. Orders will be passed in due course.]

Cross-examination. — Nil./ R. O. & A. C.

22nd July, 1930. G.C. HILTON.

P.W. 173.— Jugal Kishore, son of Mangni, Bania 40 years, shop-keeper, Delhi. (Concerning Delhi) 22.7.1930

Lived on the ground floor of the house. Had a problem regarding their cycles. They left after ¾ days. Had identified Jaidev Kapur.

P.W. 174. — Nur Mohammad, son of Rahim Bakhsh, Sheikh, 22 years, Fuel-seller, Delhi. (Concerning Delhi) 22.7.1930

Repeats PW 174. Had identified Bhagat Singh.

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P.W. 175.— Malik Suleman Khan, Extra Assistant Commissioner and Magistrate, 1st Class, Amritsar. (Concerning Amritsar) 22.7.1930

Accompanied Phonender on 17.7.1929 to a hotel named Amrit Vashno Bhojan Shala, where he had dined with Shiv Verma. Also he led the Magistrate to the house in Mughal Bazar; then to a Bungalow where they could not enter.

P.W. 176.— Sayed Bashir Haidar, Magistrate, 1st Class, Amritsar, states on S.A. : —(Concerning Amritsar)

On referring to my memo., Ex. P. D. L., I find that on the 11th May, 1929, under the orders of the District Magistrate, I accompanied Jai Gopal, approver, who pointed out certain places to me in Amritsar.

Jai Gopal took me to Moghal Gate Bazar which is known also as the Kanjaran Bazar. He showed me chaubara which was locked and stated that the key of the lock had been with his party and had been recovered by the police when the Bomb Factory was raided. On the ground floor of this chaubara, Pt. Hira Lal had a food shop. Hira Lal was present and Jai Gopal identified him and stated that, on the 13th February 1929, i.e., one day before the Basant Panchmi of that year Jai Gopal had paid Hira Lal Rs. 13 : Rs. 10 for the rent of the chaubara and Rs. 3 for his food. Hira Lal confirmed this statement of Jai Gopal in my presence. The lock was broken open and a recovery list of the articles found in the chaubara was prepared and attested by me. Ex. P. L. is the recovery list and it is correct.

Jai Gopal then led me to another chaubara in the same line but some 25 shops distant from the previous chaubara. This chaubara was open. It was then occupied by Haji Chuhar and a Pandah who was teaching some boys. Jai Gopal stated that one day in September 1928 he had been to that chaubara for an hour or so to see a man said to bear the name of Kali Charan. Jai Gopal also stated that this man Kali Charan lived in that chaubara in the guise of a menial servant. Jai Gopal also identified Ram Sahai, a utensil dealer, who occupied the ground floor of the chaubara,. and said that he had enquired the whereabouts of Kali Charan from Ram Sahai.

Ex.P. D.L. which I prepared at the time is correct.

I see the man in Court and identify him as Jai Gopal referred to in my evidence.

Cross-examination. — Nil./ R. O. & A. C.

22nd July, 1930. G.C. HILTON.

P.W. 177.— Ram Nath, son of R. B. Bishambar Nath, caste Brahaman, Photographer, Kasmiri Gate, Delhi. (Concerning Delhi) 22.7.1930

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I see photographs. Exs. 231, P. 231-A, P.229 and P. 229-A. These photographs, which are of two different persons, were taken by me in the beginning of April 1929. I think both the persons in the photographs probably came together to arrange terms.

I made the entries, Exs P.G.C./1 and P.G.C./2. in my Cash Memo. Book, Ex. P.G.C., of the amounts received in advance on account of these photographs, on the 3rd and 6th April 1929.

My name was impressed on the mounts of each of these four photographs. It has now been obliterated.

I do not remember whether the police showed these identical photographs when they came and enquired as to who had taken the photographs of these two men. They showed me photographs of these two persons.

The Police at that time took possession of the Cash memo. Book, Ex. P. G.C., and I signed the recovery list. Ex. P.G.C-3.

I see the photographs Ex. P. 230, P.230-A. These are full length photos of the same person in Ex. P. 239 and were taken by me at the same time.

Exs. P. 232, P. 233 and P. 234 are the negatives of the photographs, above mentioned. These negatives were taken away by ***these two persons.***

Ex. P. A. 65 is a photographs taken by me of a portion of a pillar in the Legislative Assembly at Delhi. The photograph shows what appears to be a round mark on the pillar and which mark I saw myself when I took the photograph.

I see Ex. P. E. X. which is the plan of the Assembly Chamber. The pillar in the photograph has been marked by me with the letter 'P'.

Cross-examination. — Nil./ R. O. & A. C.

22nd July, 1930. G.C. HILTON.

P.W. 178. — Mr. E. G.B. Peel, Assistant to the D.I.G., C.I.D., U.P., Allahabad, on oath :— (Concerning Agra)

On the night of the 1st of May, 1929, I went to the Agra Railway Station and met an accused who had come under escort from the Punjab C. I. D. His name was given to me as ***Sukh Dev.*** On his arrival I and other persons with me went with this accused person in three closed garis to the city. I was told that Sukh Dev, had been brought to point out certain houses which were to be searched. As we drove through the city was stopped at three houses which were ***pointed out in rotation by Sukh Dev.*** These houses were known as the 'Hing ki Mandi' house the 'Nai ki Mandi house' and the 'Gur Mandi house', and, as far as I remember, they

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came in that order as we went from the station to the house of the Superintendent of Police. I am quite certain that the three houses pointed out by Sukh Dev were not previously known to the police.

I arranged for the search of all the three houses through the Superintendent of Police simultaneously. I myself attended the search of the Hing ki Mandi house. The search of this house took place at daybreak which would be a little before five o'clock. Ex. P. E.H. is an accurate plan of the Hing ki Mandi house. I searched the room marked A on the plan, Ex. P. E. H., on the first floor of the Hing ki Mandi house in consequence of information ***given to me by Sukh Dev*** who had stated that bombs were prepared in a room on the second storey near the staircase.

[Note by Abdul Qadir. — I am afraid this is not a statement which can be said to have led to any discovery under section 27 of the Indian Evidence Act and, therefore, I do not think that this statement is admissible, as the police would have searched the house in any case and noted the indications found in it.

ABDUL QADIR.

In that room there were chiefly nothing but stains of a yellow and purplish colour on the floor and on portions of walls. I took scrapings of these stains from the floor and the walls. They were included in the search list and handed over for chemical analysis. Ex. P.E.G. is the recovery list prepared at the time under my supervision. I can say that it is correct. A supplementary search was made of this Hing ki Mandi house, but I was not present. Articles lying on the space round the opening on the first floor appeared to bear acid stains. A portion of the floor and the drain close to the water tap, marked B on the ground floor, also showed what appeared to be acid stains.

This morning I went to the Borstal Institution and in the presence of the Superintendent I saw several persons sitting in a barrack. I went to the Borstal Institution for the purpose of *identifying Sukh Dev;* and on the last occasion when I saw him on the night of the 1st of May 1929 ***he was wearing a beard and high sheep-skin cap.*** I did not think at the time that I had seen any of the other accused in this case. There were two boys who resembled my impression of Sukh Dev, and I recognised one of them quite easily. I picked him out and then suddenly realised that he was not Sukh Dev but Kundan Lal whom I had seen soon after his arrest in partab Garh. On realizing that I had identified Kundan Lal instead of Sukh Dev I said so, and I picked out the man sitting next to him as Sukh Dev. This man that I picked out as Sukh Dev was not wearing a beard, was bareheaded and looking very different to what Sukh Dev looked like when I saw him on the 1 st of May. I recognised him mainly by his eyes.

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By Sir Abdul Qadir. — The other two houses,. namely, in Gur ki Mandi and Nai ki Mandi, were both searched but not in my presence.

Sukh Dev mentioned to me that there was another room in the house in which bottles of acids, etc. were stored. I found no traces of acids in that room but I prepared a list of the articles found on the search of that room. Sukh Dev did not tell me that any indications or traces of bombs having been manufactured would be found in the house except in the room marked A on the plan, Ex. P. E. X. The only other place where I found some acid signs was in and on the edge of the drain by the water-tap on the ground floor and on articles found in the space round the opening on the first floor.

As far as I remember items No. 22 to 24 of Ex. P. E. G. were found at the point C marked by me on the plan, Ex. P. E. H.

So far as I remember Sukh Dev was the first man to give us a clue to the houses in Agra. I know that one or two approvers have referred to the houses occupied by the party in Agra but they mentioned this subsequently to Sukh Dev.

Cross-examination.— Nil. / R.O.& A.C

E. G. B. PEEL.

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P.W. 179. — Mr. Harbans Lal, son of Pandit Karam Chand, 21, of Patti, Lahore district, Chief Accountant, Forman Christian College, Lahore. (Concerning Lahore) *22.7.1930*

Formal

P.W. 180.— Ganda singh, son of Man Singh, Zamindar, 55, of Minhala, retired, Sub-Inspector of Police. (Concerning Murder) *22.7.1930*

Explains what happened soon after the murder

P.W. 181. Ajmer Singh, son of Sardar Sahib Sarmukh Singh, Jat, Agriculturist, resident of Muktsar, on S. A. :— (Concerning Murder)

Gives details of escape of Bhagat Singh, Raj Guru and Azad via D.A.V. College premises like PW 48 Ata Mohd.

P.W. 182. — Ralia Ram, son of L. Lal Chand, Khatri, 33, Parcel Clerk, N.W. Railway, Lahore. (Concerning Lahore) 22.7.1930

About a cycle

P.W. 183. — Ghulam Muhammad, son of Fakir Chand, 30 years, Parcel Clerk, N. W. R., Lahore. (Concerning Lahore) *22.7.1930*

A box and a cycle sent to Gujrat on 18.7.1928

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P.W. 184. — Roru Ram, son of Basant Ram, Khatri, 65 years, employee of Rai Bahadur Lala Mela Ram, Lahore. (Concerning Lahore) ***22.7.1930***

Same as PW 90

P.W. 185.— Hamid Hassan, son of Sheikh, Muhammad Hassan, 25 Sheikh student, Medical College, Lahore. (Concerning Lahore) ***22.7.1930***

Formal

P.W. 186. — Depuk, Bhatia, son of Lala Devi Ditta Mal, Bhatia, 22, student, Medical College, Lahore. (Concerning Lahore) 23.7.1930

Formal

P.W. 187. — Daulat Ram, son of L. Nathu Ram, Arora, 30/31, Head Clerk, D. A. V. College, Lahore, on S. A. :— (Concerning Lahore)

Kishori Lal, son of Pandit Raghbir Dutt, Shastri joined the D. A. V. College on the 28th June, 1927. This I state after referring to the Admission Form Register, Exh. P. B. J. The application form is Exh. P. B. J.1.

I see the Attendance Register, Exh. P. B. K., which shows that Kishori Lal did not attend the college ***after the 21st November 1928.*** He was then in the second year class. The entry relating to Kishori Lal is Exh. P. B. K. 1, which along with the other entries in the register has been made by the Professor, Lala Sant Ram Sayal. The register remains in my custody. The other register, Exh. P. B. J., also remains in my custody.

In Exh. P. B. J. 1, residence of Kishori Lal is shown as Gurudutt Bhawan Hostel, Lahore. The application form, Exh. P. B. J. 1, is signed by Kishori Lal.

I see the same register, Exh. P. B. J., and from the application form, Exh. P. B. J.2, I find that Prem Dutt joined the College on the 20th June 1927. The application is signed by Prem Dutt. His father's name is given as Ram Dutt, Varma, and residence of Prem Dutt as Gurudutt Bhawan Hostel. According to the Attendance Register, Exh. P. B.K. Prem Dutt attended the College up to the 5th November, 1928. The entry showing this is Exh. P.B.K2. Prem Dutt was absent on the 1st November and present on 2nd and 5th, the 3rd and 4th being holidays.

In 1928, the summer vacation lasted from the 1st of July to the 24th of September.

Kishori Lal is also shown in the Register as having been absent on the 7th and 16th of November. 1928.

Cross-examination. — Nil./ R. O. & A. C.

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P.W. 188.— Lieut. B. L. Bhandari, Magistrate, 1st Class, Campbellpur. (Concerning Ferozepur) 23.7.1930

Took along Mahavir Singh to identify the house and other places in Ferozepur.

P.W. 189.— Ram Saran, son of Dulu, Caste Rajput, 48, resident of Dharampur District Hoshiarpur, Lambardar, on S.A. :— (Concerning Lahore)

I know Kishori Lal, accused, in this case, and Satpal. They are brothers and belong to my village. Their father's name is Pandit Raghbir Dutt Shastri. Raghbir Dutt is alive and is at present in Quetta.

Cross-examination. — Nil./ R. O. & A. C.

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P.W. 190. — Pt. Gian Chand, son of Pt. Wazir Chand, 32, Superintendent, Arya Vidyarthi Ashram, Lahore, on S. A. :— (Concerning Lahore)

The Arya Vidyarthi Ashram is situated, within the premises of Guru Dutt Bhawan. Prem Dutt, a student in the D. A. V. College, was allotted a room in Guru Dutt Bhawan in June 1927. Kishori Lal, who was also a student in the D. A. V. College, was allotted a room in Guru Dutt Bhawan in October 1927. Prem Dutt left in January 1929 and Kishori Lal in December 1928.

Referring to the Prayer Attendance Register, Ex. P. D. F., I see that Prem Dutt was absent from Morning and Evening Prayers for the whole of December 1928. On the evenings of the 12th and 13th December he is marked as being on leave. In January 1929 Prem Dutt is marked as present only on the mornings of the 23rd and 24th.

Kishori Lal is marked as being absent on leave on the morning and evening of the 8th and on the evenings of the 10th and 11th December, 1928. The last occasion on which he was present in November was on the evening of 17th November. After this date he is marked absent, either with or without leave.

The entries in the register, Ex. P. D. F., are in my handwriting.

Exhs P. D. F./3 and P. D. F./4 are correct copies of the entries in the Fees Register showing for what period Prem Dutt and Kishori Lal occupied the rooms in Guru Dutt Bhawan.

The Prayer Attendance Register, Ex. P. D.F., and the Kitchen Register, Ex. P. D. F./1, were taken possession of by the Police on the 28th May, 1929. The recovery memo, Ex. P. D. F./2, relating to the Kitchen Register bears my signature and is correct.

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When I gave my evidence in the Court of the Special Magistrate I saw Prem Dutt and Kishori Lal among the accused in the dock.

Prem Dutt is the son of L. Ram Dutt whom I know. I also know Kishori Lal's father, but do not know his name.

[The Prosecutor requests that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288 of the Code of Criminal Procedure. Orders will be passed in due course.]

Cross-examination. — Nil./ R. O. & A. C.

23rd July, 1930 G.C. HILTON.

P.W. 191. — Abdul Majid, son of Sheikh Rahim Bakhsh, Sheikh, 45, mason, Lahore. (Concerning Lahore) 23.7.1930

Removed pellets from a wall in Arain Building.

P.W. 192. —Ghulam Qadir, Sub-Inspector, No. C.-69,, Thana Tarn Taran, Amritsar. (Concerning Police) 23.7.1930

Irrelevant

P.W. 193. — Feroz Chand, son of Lala Jowala Sahai Khatri, 30, Editor, Bande Matram, Lahore. (Concerning Delhi) 23.7.*1930*

Knew Sukhdev as his former employee. Had published the photographs of Bhagat Singh and Dutt.

P.W. 194. — Atma Ram, son of. L, Sant Ram, Arya, 43, Court Clerk of Bombay Cycle and Motor Agency, Lahore. (Concerning Lahore) 23.7.1930

Kishori Lal had worked here for some time

P.W. 195. — Gurdit Singh, son of Atma Singh, Bookng Clerk North Western Railway, On S. A. :— (Concerning Murder)

On the 25th of December, 1928, I was working as Booking Clerk at the Lahore Railway Station. I see the book containing the counterfoils of Return Journey Paper Tickets, Ex. P. C. H. The Police took possession of this on the 29th of May, 1929, and prepared the recovery memo., Ex. P.C.H./2, which bears my signature. On the 25th of December, 1928, a Christmas Concession Return Journey Paper Tickt for 3 1/2 persons travelling third class was issued by me for Muttra Junction. The number of the Paper ticket is 069764. The counterfoil, Ex. P.C.H. 1. is in my handwriting.

Cross-examination. — Nil./ R. O. & A. C.

23rd July, 1930 G.C. HILTON.

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P.W. 196. — Muhammad Ramzan, son of Ahmed Bakhsh, Lohar, 24 years hardware-dealer, Anarkali, Lahore. (Concerning Bombs) 23.7.1930

Had sold 'jali' 1½ years ago

P.W. 197. — Ram Sahai, son of Nagina Mal, Khatri 25 years, Utensil-dealer, Mughal Bazar, Amritsar. (Concerning Amritsar) *23.7.1930*

Owner of the house, rented out from 16.8.1928 to 5.11.1928 to Sunder Das (Sukh Dev) of Ferozepur; had identified him, and also 2/3 other accused in the Court of Special Magistrate. Recalled on 26.7.1930; produced the record.

P.W. 198. — Pt. Hira lal, son of Kakhu Ram, Brahmin, 41, Hotel-keeper of Amritsar. (Concerning Amritsar) 24.7.1930

Owner of Vaishno hotel. Rented out a first floor room for 3 months to a dark-complexioned, non-Punjabi in December 23.7.1930.

Recalled on 24.7.1030 — Produced the record.

P.W. 199. — Kalu Ram, son of Maya Mal, caste Arora, 40, shopkeeper, resident of Ferozepore. (Concerning Ferozepur) 23.7.1930

Dr Nigham stayed here for 5-6 months. He had a servant Gopal (Jai Gopal). He had also been taken to Saharanpur (U.P.) in connection with this case because he had once met Dr. Gaya Prasad by chance at Saharanpur.

About 13/4 or two years ago a man styling himself Dr. Nigham lived near my house in Mohalla Shah Ganj. He lived there for some five or six months. He had a man known as Gopal in his service. About a month or 11/2 months after this man Nigham left the house, ***I happened to see him by chance in Saharanpur.*** *[Sukhdev's Remark 131: Important. This man informed police about Saharanpur.]* I was passing through Saharanpur in a car on my way to Dehra Dun and, when the car stopped for a moment in the bazar, Dr. Nigham, who was standing there, recognized me and greeted me.

I also saw another man at Dr. Nigham's house in Ferozepore on one day.

When I gave my evidence before the Special Magistrate I picked out Dr. Nigham from among the accused in the dock and another man now referred to by me as the man I had seen one day at Dr. Nigham,s house.

(Note.— The witness is recorded by the Special Magistrate as having identified the accused, Gya Parshad and Mahabir Singh.)

At a parade held at the Lahore fort I picked out Dr. Nigham and at the parade held at Ferozepore I picked out the other man whom I had seen at Dr. Nigham's house one day.

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I see the man in Court (Jai Gopal.) approver. He is the man known as Gopal and who was in the service of Dr. Nigham.

[The Prosecutor requests that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288 of the Code of Criminal Procedure. Orders will be passed in due course.]

Cross-examination. — Nil./ R. O. & A. C.

23rd July, 1930 G.C. HILTON.

P.W. 200.— Diwan Chand, son of Lala Moti Ram, khatri, 55, Zamindara, Ferozepore City, on S. A:— (Concerning Ferozepur)

About 1¾ years ago a man occupied a house about 14 Karams distant from my baithak in Mohalla Shah Ganj. A sign-board on this house showed, "B.S. Nigham, Chemist and Druggist, Ferozepore City". He had a servant named Jai Gopal. ***Some two or three days after the house was occupied by Nigham, a man called Jai Gopal came to me and asked me to get him some employment. Nigham having previously told me that he was in need of a servant I told Jai Gopal to go and apply to him. I pointed out the house of Nigham from my Baithak to Jai Gopal.*** This man Jai Gopal was employed by Nigham as a compounder. The man in court (Jai Gopal approver) is the same man.

Nigham had his dispensary downstairs and used to be there for a little while. The rest of the time he spent upstairs. I went to Nigham two or three times to obtain medicines and when I used to call out to him he used to reply, " Wait downstairs." I used to see several people visiting Nigham. These persons all used to go upstairs. A man whom Nigham used to call Bhai Sahib stayed with him for about a month. This man was ill there.

When I gave my evidence before the Special Magistrate, I picked out from among the accused in the dock and also identified the man referred to by me as Bhai Sahib and three others as having been at Nigham's house. These persons also asked me when they first came where Nigham lived. They came at different times. I learnt the names of two out of these three persons, namely, Bhagat Singh and Sukh Dev.

At parades held at the following places I identified the persons mentioned :-

At the Lahore Fort B. S. Nigham and Jai Gopal.

At the Borstal Institution Bhai Sahib and the man whom I subsequently learnt was named ***Sukh Dev.***

At the Mianwali Jail, the man whose name I subsequently learnt was Bhagat Singh.

At the city kotwali, Lahore, a man whose name I then heard to be Bichhu or Bachu.

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At the Lahore Fort another man whose name I have not learnt.

[The Prosecutor asks that the statement of this witness recorded by the Special Magistrate betreated as evidence in the present case and transferred to this record under the provisions of section 288 of the Code of Criminal Procedure. Orders will be passed in due course.]

(Note.— The witness is recorded by the Special Magistrate as having identified Gya Parsad as the Doctor, ***Sukh Dev, accused, as Bhai Sahib*** and Mahabir Singh, Ajoy Kumar Ghosh and Bhagat Singh as the visitors of Doctor Nigham.)

Cross-examination. — Nil./ R. O. & A. C.

23rd July, 1930 G.C. HILTON.

P.W. 201. — Mehar Chand, son of Ganga Ram, Mehra, 35-36 years, tandurwala, Old Anarkali, Lahore. (Concerning Lahore) 24.7.1930

Formal

P.W. 202. — Ganga Ram, son of Kalu, Mehra, 32-34 years,,nanbai, Old Anarkali, Lahore. (Concerning Lahore) *24.7.1930*

Formal

P.W. 203 — Pandit Brij Bhukan Lal, Special Magistrate, Saharanpur. (Concerning Lahore) 24.7.1930

Formal

P.W. 204 — Khan Sahib Rahman Bakhsh, Qadari, Magistrate, Ist Class, Allahabad. [Sukh Dev's Remarks; 132, A good magistrate] (Concerning Identification)

P.W. 205 — Manna Lal, son of Baldev Parshad, Aggarwal, 32, Zamindar and house- proprietor, Dehra Dun, on S.A.: —(Concerning Saharanpur)

I have a Hotel known as *the **Coronation Hotel in Dehra Dun***. There are some rooms behind the Hotel, which I let to travellers. On referring to my receipt book, Exh. P.A.J., I see that on the 12th April, 1929 I rented one of the above rooms to one Babu Ram Narain for one month at a rental of Rs. 20. I made the entry Exh. P.A.J/1 in Exh. P.A.J. at the time and gave the foil relating to the entry to Ram Narain. Ram Narain had a companion who stayed with him in the room. Both men stayed there for about a month.

When I gave my evidence before the Special Magistrate, I picked out these two men from among the accused in the dock.

(Note: - This witness is recorded by the Special Magistrate as having identified Sheo Varma and Jai Dev).

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I also picked out one or both of these men at a parade held at the Lahore Fort.

(The prosecutor asks that the statement of this witness recorded before the Special Magistrate be treated as evidence in the present case and transferred to this record under section 288, Cr. P.C. Orders will be passed in due course).

Cross-examination. — Nil./ R. O. & A. C.

24th July, 1930 G.C. HILTON.

P.W. 206 — Abdul Jalil, son of Mushtaq Ahmad, Sheikh, 33/34 years, Timber–dealer, Mohalla chob Faroshan, Saharanpur, on S.A.: —(Concerning Saharanpur)

Same as PW 207 Mohd. Hanif.

P.W. 207— Muhammed Hanif, son of Hafiz Abdul Karim, Sheikh, 28 years, cloth merchant, Mohalla Chob Faroshan Saharanpur, on S.A.: —(Concerning Saharanpur)

I live in Mohalla Chob Faroshan and my shop is in Bazar Nakhasan. I own houses which I let out on rent.

About fifteen months ago, on the 2nd April a man calling himself a doctor and another man whom the former referred to as his brother came to me and wanted a house on rent. I rented a house some twenty five paces distant from mine to them on a rental of 12 Rs. per mensem. They occupied this house for one month and eleven days. On one or two occasions I saw a third man living with the two men to whom I rented the house.

When giving my evidence before the Special Magistrate I identified the two men to whom I rented the house from among the accused in the dock.

(Note :- The witness is recorded by the Special Magistrate as having identified Sheo Varma &Gaya Parshad and having stated that Gaya Parshad alleged himself to be a doctor and Sheo Varma as his brother.)

At a parade held at the Kotwali, Saharanpur, I picked out the same two men in the presence of Mr. Qadri (P.W. 204). I was unable to identify the third man either before the Special Magistrate or at the parade.

(The Prosecutor requests that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under provisions of section 288 of the code of criminal procedure. Orders will be passed in due course.)

Cross-examination. — Nil./ R. O. & A. C.

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P.W. 208 — Anwar-ul-Haq, son of Inam-ul-Haq, Sheikh, 19years, Peon, Municipal Committee. (Concerning Saharanpur) *25.7.1930*

Formal

P.W. 209 — Ziaul–Haq, Son of Inam-Ul-Haq, Sheikh, 20 student, Mohalla Chob Faroshan Saharanpur. (Concerning Saharanpur) *25.7.1930*

Formal

P.W. 210 — Akbar Ali son of Muhammad Yunis, Sheikh, 33 Cultivator, Mohalla Chob Faroshan, Saharanpur. (Concerning Saharanpur) 25.7.1930

Formal

P.W. 211 — Rashid Ahmad, son of Sheikh Abdul Ghani, 40 Shopkeeper Saharanpur. (Concerning Saharanpur) *25.7.1930*

Formal

P.W. 212 — Muhammad Hanif, son of Khuda Bakhsh, Sheikh, 30-31, Tailor, Mohalla Chob Faroshan, Saharanpur. (Concerning Saharanpur) 25.7.1930

Formal

P.W. 213 — Baghirath, son of Nanda, Caste Sweeper, 25-26, resident of Saharanpur on S.A.: — (Concerning Saharanpur)

The sweeper at the house; same as PW 207 Nohd. Hanif.

P.W. 214 — Asa Ram, son of Atma Ram, Caste Dhobi, age 20 years, resident of Saharanpur. (Concerning Saharanpur) 25.7.1930

Formal

P.W. 215 — Piare Lal, son of Kundan Lal, Aggarwal, 40 Shopkeeper, resident of Saharanpur. (Concerning Saharanpur) 25.7.1930

Formal

P.W. 216 - Tek Chand, son of Banu Mal, Aggarwal, 22, Shroff, resident of Saharanpur. (Concerning Saharanpur) 25.7.1930

Formal

P.W. 217 – Muhammad Aslub, son of Mehbub Khan, Rajput, 24 years, Postman, Saharanpur. (Concerning Saharanpur) 25.7.1930

Formal

P.W.218 — Phul Chand, Assistant Prosecuting Inspector, Saharanpur. (Concerning Saharanpur) 25.7.1930

Formal

P.W. 219 — Bansi Lal, son of Lala Kirpa Ram Khatri, 19, clerk in the currency office, Lahore. (Concerning Lahore) 25.7.1930

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Gives his version regarding his relations with Jai Gopal.

P.W. 220 — Abdul Majid Khan, Head constable, No. 25U.P. Police on S.A.:— (Concerning Saharanpur)

In May, 1929 I was Head Muharrir constable at the Saharanpur Kotwali. I see the Roznamcha of the 13th May, 1929, Exth, P.A.P. Entry No.68 was written by Mr. Joshi D.S.P, in my presence. At the instance of Mr. Joshi, I recorded the first information report,Ex P.A.P-1, on the 13th May,1929. It has been correctly recorded.At No. 89 in the same Roznamcha there is an entry by Sub – Inspector Raghbir Singh.

Cross-examination. — Nil./ R. O. & A. C.

25th July, 1930 G.C. HILTON.

P.W. 221 — Tufail Ahmad, son of Habib Ahmad, 34/35 years, Draftsman, resident of Saharanpur, on solemn affirmation:- (Concerning Saharanpur)

I prepared the plan, Ex. P.A.M. of a house situated in Mohalla chob Faroshan in Saharanpur on the 13th may, 1929. The Mohalla is also known as kot Tala.The scale is 4 ft. to an inch, and the plan has been correctly prepared. I prepared the plan under the instructions of Mr. Joshi, D.S.P. The dots shown in the open space marked No.4 on the plan indicate a yellowish substance seen by me when I prepared the plan.

Cross-examination. — Nil./ R. O. & A. C.

25th July, 1930 G.C. HILTON.

P.W. 222 — Irshad Ahmad, son of Hafiz Mustaq Ahmad, Sheikh, 34-35 Zemindar, resident of Mohalla chob Faroshan in Saharanpur, on S.A.:- (Concerning Saharanpur)

Witness of recoveries in the raid on 13.5.1930.

P.W. 223 — Ram Chand, son of Lala Hira Lal, Khatri 28 years, Proprietor, Albert Press, Lahore on S.A.:- (Concerning Writings)

I know Hans Raj, Vohra. He was the Secretary of the Lahore Student's Union.

In November 1928 I printed 1,000 copies of a pamphlet of eighteen pages entitled, "Great Thoughts of Lala Lajpat Rai" for Hans Raj, Vohra, at my press. He took delivery of these on the 26th or 27th of November, 1928, as my book shows that the bill for printing these was prepared on the 30th of November, 1928. Ex.P.D.J. is a true copy of the entry in my register which I have brought to Court to-day.

(Note: - Copy checked with the original entry by court and found correct. Register returned to the witness.)

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In December, 1928, I printed 3,000 copies of a leaflet entitled "A New year's prayer" for the Lahore students' Union. These were delivered to Hans Raj Vohra, some time in the end of December, 1928,and the bill was sent to him on the 5th of January, 1929. Ex.P.D.J.I is true a copy of the entry in my register.

(Note : - Copy checked with the original entry in the register and found to be correct. Register returned to the witness)

Cross-examination. — Nil./ R. O. & A. C.

25th July, 1930 G.C. HILTON.

P.W. 224 — Pran Nath, son of Hari Chand Puri, Khatri, 22, Student, 4th year class, D.A.V. College, Lahore, on solemn affirmation:- (Concerning Lahore)

I joined the D.A.V. College in 1927 and lived in the Boarding House. In January 1928 I moved to the Guru Dutt Bhawan. Among other students who occupied rooms in Guru Dutt Bhawan, were Kishori Lal and Prem Dutt. I and other students used to go and see Kishori Lal in his room and generally found Prem Dutt there as their two rooms were side by side.

We used to discuss politics and other matters. Both Kishori Lal and Prem Dutt used to say that we should all serve the country. Kishori Lal gave me one or two books to read on this subject. One was called "Chingarian" in Hindi. This book contained revolutionary tales about Russia.

Kishori Lal left Guru Dutt Bhawan in November 1928. He borrowed a shirt from me before he left and said that he was going away on some business.

About 1½ months after he left Kishori Lal used to visit Guru Dutt Bhawan occasionally to see his friends.

One day in December was set apart as "Kakori Day" A man named Dayal came to Guru Dutt Bhawan and told us that we should attend the "Kakori Day" celebrations in Bradlaugh Hall. I learnt afterwards that ***this Dayal was Sukh Dev.*** I want to Bradlaugh Hall, and Prem Dutt accompanied me. Prem Dutt left Guru Dutt Bhawan in 1929.

Kishori Lal asked me to keep letters addressed to him saying he would call for them. Letters used to come and Kishori Lal used to take them away. After the Assembly Bomb outrage in Delhi a parcel came for Kishori Lal. This parcel was taken away by Dayal otherwise Sukh Dev. Kishori Lal had told me that either he or Dayal would come for it. In April 1929 Prem Dutt came to Guru Dutt Bhawan. He told me that the parcel referred to above contained photos of Bhagat Singh and Dutt. I asked who these two persons were and he said that they were the Assembly Bomb men.

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Prem Dutt gave me some college books and asked me to have them sent to his home in Gujrat. I am a resident of the Gujrat district and have to pass through the town of Gujrat when going to and coming from my home. I kept these books in my home in Kadirabad, district Gujrat, and subsequently made them over to the police when they asked for them. The recovery Memos, Exs. P.D.O. and P.D.O./1, prepared by the Police at the time, bear my signatures.

About the 26th June, 1929 I attended a parade at the Borstal Institution and picked out Kishori Lal and Dayal otherwise Sukh Dev. Prem Dutt was not there. Day before yesterday, on the 24th, I went to the Borstal institution and identified kishori Lal, Prem Dutt and Sukh Dev in the presence of the Superintendent of the Jail.

Cross-examination. — Nil./ R. O. & A. C.

26th July, 1930 G.C. HILTON.

P.W. 225 — Shabbir Hussain Khan, Sub Inspector of police,U.P. at Luksar. (Concerning Saharanpur) 26.7.1930

Formal

P.W. 226 — Bande Hassan,Sub Inspector, Police, Saharanpur kotwali. (Concerning Saharanpur) 26.7.1930

Formal

P.W. 227 — Zafar Hassan Khan, Sub Inspector of Nagal, District Bijnor, on SA :- (Concerning Writings)

In may, 1929, I was posted in Saharanpur. I arrived at the house in Mohalla Chob Faroshan after the two culprits had been arrested and when the search had commenced. I was present during the remainder of the search. Among other things recovered in the search were live bombs, empty lomb shells, revolvers, chemicals, books, utensils and tools. I prepared the recovery list, Exh. P.A.O., relating to books and papers. It is in my handwriting and iscorrect. The bundle of pink leaflets, Exh. P. 442, was also found in the house and it is duly entered in my list. Documents, *Exhs. P. A. K. / 7*, and P.A.K./8 were among those recovered. Documents, Exhs, P.A.K./ 18, P.A.K. /19, and P.A.K./20 were also found in the house and are duly shown in my list. All these documents are signed by Mr. Qadri and the two witnesses to the search. Out of other books found in the house and entered in my list I identify Exhs. P. 357, P.360, P.361, P.362, P.365, P.367, P.371, P. 364, P. 379, P. 401, P. 402, P. 498, P. 426, P.431 (red paper), and P. A.E./ 1 to P. A. E./4.

When giving my evidence before the Special Magistrate I identified the two men who were arrested in that house.

(Note. — The Witness is recorded by the Special Magistrate as having identified Jai Dev and Sheo Varma, accused).

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(The Prosecutor asks that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288 of the Code of Criminal Procedure. Orders will be passed in due course.

All the packages of the articles recovered in the search were sealed with my seal bearing the initials Z.H.K. which is always in my possession. When the boxes were resealed after being opened at the kotwali by Mr. Qadri, he sealed them with his ring.

Cross-examination. — Nil./ R. O. & A. C.

26th July, 1930 G.C. HILTON.

P.W. 228. — Sher Ali, son of Ramzan Ali, Sheikh, 73 years, Zamindar and shop-keeper of Mohalla Chob Faroshan, Saharanpur. (Concerning Saharanpur) 26.7.1930

Formal

P.W. 229.— Muhammad Yasin, Naik Police No. 18, age 30 years, Chauki Katehra Awwal, Saharanpur, on S.A:— (Concerning Saharanpur)

Assisted PW 19 Raghubir Singh in the raid on 13.5.1930.

P.W.230.— Pandit Mathura Datt Joshi, Deputy Superintendent, Police, Saharanpur on S.A.:— (Concerning Saharanpur)

On the 13th May 1929, with a police party I raided a house in Mohalla Chob Faroshan. Sub-Inspector Raghbir Singh gave me some information about certain suspicious persons residing in a house in Mohalla Chob Faroshan. I got this information on the evening of the 12th. On the next morning I went to the house with a body of armed Police via the Kotwali where I was joined by Sub-Inspectors Raghbir Singh, **Bande** Hussan and Shabbir Hussain. I also took Naik Muhammad Yasin from Chauki Kathera Awwal. Before leaving the Kotwali, I made an entry at No. 68 in the Roznamcha (Exh.P.A.P). I knocked at the door which was opened by a man who, I subsequently came to know was named Sheo Varma. On entering the house I found another man inside, whose name, I subsequently learnt, was Jai Dev. The house was searched and among other things recovered were three revolvers, six live bombs, three empty bombs shells, percussion caps, photos cartridges, chemicals stethoscope, papers, books, documents, utensils, clothes, etc. Three recovery lists of all the articles found in the house were prepared at the time by three different Sub-Inspectors under my supervision. The witnesses of the search were Sher Ali and Irshad Ahmad. The lists, Exh. P.A.L., P.A.N. and P.A.O bear my signature and they are correct. All the articles found in the house were packed in eleven boxes and duly sealed. I also took possession of two pitchers and one pot. All the above were

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made over to Sub-Inspector Raghbir Singh to be taken to the Kotwali. Mr. Qadri, Magistrate, 1st Class, also arrived at the house and signed some of the books and papers. I arrested both Sheo Varma and Jai Dev and sent them to the Jail. The District Magistrate also arrived at the house. I had the first information report, Exh. P.A.P./1, recorded at the Kotwali at about 4 P.M. the same day.

Under my orders a Police guard was stationed inside the house to arrest the third man should he return. I was present when the Magistrate Mr. Qadri opened the boxes on the following day and resealed them again at the Kotwali. The seals which had been affixed at the house on the various packages were found intact when opened in the presence of Mr. Qadri. Both the witnesses to the search were also present.

I identify the eight empty bomb shells in Court Exs. P.89 to P.96; the three revolvers Exs. P.200 to 202; the bundle of blank posters, Ex.P.442; stethoscope, Ex. P.718; part I of a book styled 'Bandi Jiwan', Ex. P.419; one book styled "The Manufacture and uses of explosives" Ex. P.364; and kukri, Ex. P467, as being among the articles found in the house. The chemicals were contained in, I think, the box Ex.P 207, and the whole box was removed intact to the Kotwali.

Cross-examination. — Nil./ R. O. & A. C.

26th July, 1930 G.C. HILTON.

P.W. 231. — Sardar Sahib Sardar Gopal Singh, Deputy Superintendent of Police, Dera Ghazi Khan, on S.A.:— (Concerning Lahore)

I took part in the investigation of this case. On the **10th of May 1929,** [Sukhdev's Remark 133: House at Saharanpur was raided on 13.5.1929.] I held a parade in the Lahore Fort for the identification of two kitchen boys, Milkhi and Rulia, of the D.A.V. College by Jai Gopal, approver. Milkhi and Rulia were mixed with six other boys of approximately the same age. Jai Gopal, approver, identified both the boys. I prepared the memorandum, Ex.P.E.B. It is in my handwriting and is correct. This memorandum bears the thumb impressions of Milkhi and Rulia and the signature of Jai Gopal.

I see the papers, Ex. P.E.B./1 and P.E.B./2. These were written in my presence on the 13th of August 1929, by Bijoy Kumar Sinha, accused in this case. The writing on the envelopes, Ex. P.E.B./3, in which both the letters were enclosed, is also in the hand of Bijoy Kumar Sinha. All three Exhibits are signed by me.

***Sukh Dev,** accused, was arrested on the **15th of April 1929,** and I commenced questioning him on the 18th. On referring to the diaries I find that on the 22nd April I had a statement recorded in my presence according to the questions I had put him. During the course of a statement*

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Sukh Dev told me that the party had occupied three houses in Agra, one in the Nai–Ki-Mandi, the second in the Gur-Ki-Mandi and third in the Hing-ki-Mandi, which last mentioned house the party had rented for the purpose of making bombs. This information was given to me at Lahore and Sukh Dev and I went to Agra on the 1st May and were met by Mr. Peel, Assistant to the D.I.G.,C.I.D. (P.W.178), at the Railway Station. Sukh Dev pointed out the three houses in question to us. I was not present when these houses were searched.

R.O. & A.C.

(Note: This police officer appears in the photograph of Bhagat Singh, while in police custody, May/June 1927)

26th July 1930. G.C. HILTON.

(Note.—This witness should attend on the 28th of July 1929, for further examination if any.)

26th July, 1930 G.C. HILTON

Hearing adjourned to 10 A.M., the 28th of July, 1930. Accused are remanded to custody to be produced in Court on that date.

26th July 1930 G.C. HILTON

28th July, 1930.

PRESENT :

1. Mr. C.H. Carden Noad, Government Advocates Prosecutor; for the Crown
2. K.S. Kalandar Ali Khan, Government Pleader and Public; Prosecutor for the Crown
3. Mr. Gopal Lal, Government Pleader and Public Prosecutor; for the Crown
4. Bakhshi Dina Nath, Prosecuting Inspector of Police; for the Crown

Counsel for the accused.—Nemo.

All the fifteen accused are absent.

Hearing resumed.

28th July, 1930. G.C. HILTON.

P.W. 232.—Aftab Ahmad, son of Sheikh Ghulam, Ghaus, Sheikh, age 19 years, student, 5th Year, Government College, Lahore, on S.A.— (Concerning Murder)

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Same as PW 48 Ata Mohd. etc.

P.W. 233.—Mirza Wali Bakht, City Magistrate Agra. (Concerning Agra) 30.*06.1929*

Identification – In Agra Kotwali by Lalit Mukerji. Lalit Mukerji – pointed out house in Heeng-Ki-Mandi, which was searched.

P.W.234.—Channa Mal, son of Priya Das, age 35 years, confectioner and money-lender, Agra. (Concerning Agra) *28.07.1930*

1¾ years ago, one Ameer Chand rented the house at Rs. 5/- pm. He was about 30. He stayed in the house for about 3 months. He identified him.

P.W.235.—Ghasi Ram, son of Chatri Ram, Bania, 40 years, shop-keeper, Nuri Gate, Agra. (Concerning Agra) 28.*07.1930*

He stayed at the ground floor of the house. Three / four boys stayed on the first floor, 1¾ years ago for 2½ / 3 months. He identified one of them Gaya Prasad.

P.W.236. - Beni Parshad, son of Amrit Lal, Aggarwal, 30, Milk seller, (Nuri Darwaza) Agra. (Concerning Agra) 28.07.1930

My shop is opposite the house. They used to buy milk from my shop.

P.W.237.—Gainda Lal, sons of Randhir,Brahmin 52 Agra, Halvai. (Nuri Darwaza) (Concerning Agra) 28.07.1930

Had seen Phonender. Repeats PW 234.

P.W. 238.—Bharosi Lal, son of Brij Nath, Bania Jaini, 37, Shopkeeper, Agra. (Concerning Agra) 28.07.1930

House No. 1784

Rented to a youngman around Dec. 1928 for 2/3 months at Rs. 10/- P.M. He had not seen Phonender in the house but had seen him in Sabzi Mandi, Agra. One month after the boys left the house, police came and searched the house.

P.W.239.—Mirza Abdul Aziz Beg, son of Mirza Madad Ali Beg, Mughal, 55, late Sub-Inspector of Police, Bhopal, now a lawyer's clerk, Agra. (Concerning Agra) 28.07.1930

Lived at a house inHeeng Ki Mandi 50 feet away. Two / three boys stayed there 1¼ / 1½ years ago. Other boys also used to visit them. They kept the house for 2/3 months.

I had identified some of them. Phonender also used to visit the house.

P.W. 240. —Mohammad Irshad Ali Khan, son of Mohammad Azim Khan, 50 years, Pathan, merchant of Agra. (Concerning Agra) 28.07.1930 (Heeng Ki Mandi)

Lived opposite the house. Repeated PW 239.

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P.W. 241.—Sheikh Ali Bakhsh, son of Hussain Bakhsh, Sheikh, 60 years, Ink Manufacturer, Agra. (Concerning Agra) 28.07.1930 (Heeng Ki Mandi)

Had Shop Opposite the house. Repeats PW 239

P.W. 242.—Ahmad Hassan Khan, son of Abdul Qadir Khan, Pathan, 35, Legal Practitioner, Bikanir. (Concerning Agra) 28.07.1930 (Heeng Ki Mandi)

Witness to the search of the house on 04.05.1929

P.W. 243.—Nawab Beg, son of Mirza Muhammad Beg, Mughal, 35, Boots and Shoes Factory, Agra. (Concerning Agra) 28.07.1930 (Heeng Ki Mandi)

Witness of search on 02.05.1929.

P. W. 244.—Chote Lal, son of Harbans Lal, age 45, photographer, Agra. (Concerning Agra) 28.07.1930 (Heeng Ki Mandi)

Photographer

Photographed a wall – "Aug King"

P.W. 245.—Jamal-ud-Din, son of Amin-ud Din Sheikh 30, contractor, Agra. (Concerning Agra) 28.07.1930

Prepared site plans of houses in Heeng Ki Mandi. Nuri Darwaza and Nai Ki Mandi

P.W. 246.—Mukand Singh, Sub-Inspector of Police, Kotwali, Agra. (Nuri Darwaza) (Concerning Agra) 28.07.1930

Searched the house on 02.05.1929.

P.W. 247.—Sheikh Murid Akbar, Extra Assistant Commissioner, resident of Multan. (Concerning Police) *29.07.1930*

Formal

P.W. 248.—Narain Parshad, son of Khulasi Ram. Khatri, 55, lace-maker, Nai-Ki-Mandi, Agra. (Concerning Agra) 29.07.1930

Owner of the house (No. 1483). Rented to Ram Lal on 15.02.1929 at Rs. 13 per month, for 1½ months. He dentified him. Police came one month after it was vacated on 01.04.1929

P.W. 249.—Ram Sarup, son of Mathra Das, Vaish, 27, shop-keeper, Nai Ki Mandi, Agra. (Concerning Agra) 29.07.1930

Witness to the rent deed. Repeats PW 248.

P.W. 250.—Abdul Jabar, son of Haji Allah Bakhsh, Sheikh, 33, shopkeeper, Nai Ki Mandi, Agra. (Concerning Agra) *29.07.1930*

Has a shop nearby. Witness to the rent deed dated 15.02.1929.

Rest same as PW 248.

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P.W. 251.—Pirthi Singh, Sub Inspector of Police, in Charge Saddar Bazaar, Agra. (Concerning Agra) 29.07.1930

Searched the house on 02.05.1929, having obtained the key from PW 248.

P.W. 252.—Abdul Hamid Khan, son of Rasul Khan, Pathan, 26, Head Teacher, Persian School, Agra. (Concerning Agra) 29.07.1930

Formal. Agra General

P.W. 253. —Bashir Ali, son of Khurram Ali Syed, 30 years, Manager, Punjab National Hotel, Agra. (Concerning Agra) 29.07.1930

Incharge Dharmsala —24.1.1929 Proves Phonender's stay in the name of Bardada Prasad of U.P.

P.W. 254.—Amar Nath, Sharma, son of Pandit Buta Mal, Brahmin, 38 years, Secretary. The scientific Apparatus and Chemical Works, limited, Agara. (Concerning Agra) 29.07.1930

Proves Cash Memos dates 18.02.1929 & 19.04.1930

P.W. 255.—Durga Parshad, son of Munshi Baij Nath, Kaisth, 28 years, salesman, The Scientific Apparatus and Chemical Works, Limited, Agara. (Concerning Bombs) 29.07.1930

Sold acids on 23.2.1929, 8.3.1929, 13.3.1929, 18.3.1929.

P.W. 256. —Said Ullah, son of Sami Ullah, Pathan 25, resident of Aligarh. (Heeng Ki Mandi) (Concerning Agra) 29.07.1930

Witness to the search on 04.05.1929.

P.W. 257,— Brij Bhushan, son of Kunj Behari Lal. Arya, 44, Clerk, Commanding Royal Engineers's Office, Dera Ismail Khan, on solemn affirmation. (Concerning Rawalpindi) 29.07.1930

Formal

P.W. 258.—Dharm Vir, son of Lehnu Ram, Arya, 32, Chaprasi, Arya Smaj, Gurukul Section, Rawalpindi. (Concerning Rawalpindi) 29.07.1930

Formal

P.W. 259.— Gopal Krishan, son of Hakim Hari Chand, 19, Arora, Manager, Hari Amrit Bhandar, Rawalpindi. (Concerning Rawalpindi) 29.07.1930

Formal

P.W. 260.—Rulia Ram, son of Ganga Ram, Brahman, 18, Scullion, D.A.V. College, Lahore, on S.A.:— (Concerning Lahore)

In December, 1928, I was working in Kitchen. No. 14. I know Des Raj, who was a student in the College. He occupied room No.28 in Block B of the Hostel. When I gave my evidence before the Special Magistrate I

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picked out Des Raj from among the accused in the dock. Des Raj used to have two or three visitors occasionally. I see the man in Court (Jai Gopal approver). I identify him as one of the visitors of Des Raj and who used to take meals with him. This man picked me out at a parade held at the Lahore Fort.

(Note:- This witness is recorded by the Special Magistrate as having identified Des Raj from amongst the accused.)

(The Prosecutor asks that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288, Criminal Procedure Code. Orders will be passed in due course.)

Cross-examination. — Nil./ R. O. & A. C.

29th July, 1930 G.C. HILTON.

P.W. 261.— Milkhi, son of Babu Ram, 13/14 years, Brahmin, resident of Raipur, District Hoshiarpur, on S.A.:— (Concerning Murder)

I was employed in Kitchen No., 14 of the D.A.V.College Hostel some eighteen months ago. Des Raj, a student of the College, used to occupy room no. 28 in Block B of the Boarding House.

When I gave my evidence before the Special Magistrate I picked out Des Raj from among the accused in the dock.

On the day that a European was killed near the Police Office Des Raj brought two bicycles from near the latrines and placed one of them under a Jaman tree near Kitchen No. 14. He took the other one away.

This was in the evening, Shortly after a Babu with a bicycle came there and enquired what had happened to the bicycles. I told him that Des Raj had left one there under the Jaman tree and had taken the other one away. While he was questioning me three other Babus came there and two of them, taking bicycle from the Babu who asked me about the bicycles, went away. The first mentioned Babu and the third man then went away with the bicycle which had been placed under the Jaman tree.

I see the man in Court (Jai Gopal, approver). I identify him as the Babu who came first with a bicycle and asked me about the bicycles. This man (Jai Gopal, approver) identified me at a parade held at the Fort. This Babu (Jai Gopal, approver) and his companion went away with the bicycle towards the latrines. There is a gate near the latrines.

(Note:- This witness is recorded by the Special Magistrate as having identified Des Raj, accused.)

(The Prosecutor requests that the statement of this witness recorded

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by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288, of the code of Criminal Procedure. Orders will be passed in due course.)

Cross-examination. — Nil./ R. O. & A. C.

29th July, 1930 G.C. HILTON.

P.W. 262.—Lala Gur Datt, M.Sc., son of Karam Chand, Hindustani, 35 years, Private Secretary to Kumar Rananjay Singh of Amethi Raj, Oudh on S.A.: —(Concerning Lahore)

I was Head Master of the National School, Lahore from October, 1922 till October 1926. I see the man in Court (Jai Gopal, approver). I know him. He was a pupil in the National School for about three years during the time I was Head Master. He used to live in the School Boarding House. When the School closed he was in the Tenth Class. The School shut down and all the classes, except the tenth class, were broken up. When the School closed Jai Gopal was given accommodation in Pari Mahal. There were only three pupils in the tenth class, and of these Jai Gopal was the only boarder, hence he was accommodated in Pari Mahal. In addition to English and other subjects Jai Gopal also took Science and Photography. The key of the Science Room used to remain with the students by turn. Jai Gopal must have had the key in his turn. The Science room was in my particular charge and things used to be missing from the Science room from time to time, but I remember one occasion in 1924 or 1925 when a bottle of mercury was missing. I recall this incident because I made a personal enquiry in regard to the loss of this bottle. The Bottles in the Science room had labels of the school on them. I see the bottle Ex. P.41. It contains mercury. A bottle of this description was missing from the Science room. My enquiry as to the missing bottle led to no result.

When I left the School in October, 1926 some books were missing from the Library. A book called "Manufacture and uses of Explosives" used to be in the Library, but I cannot say whether it was missing. All the books in the School bore a number and seal of the School. I see the book in Court, Ex. P.364, " Manufacturer and Uses of Explosives". and it seems to me that some thing has been erased from title page, which appears to be a seal and a number. The seal of the School was oval in shape and about the same dimensions as the erased portion referred to.

Pandit Yashpal was a master in the School under me for more than a year, some time in 1925. He left when the School closed.

Cross-examination. — Nil./ R. O. & A. C.

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Hearing adjourned to 10 A.M. the 30th of July 1930. The accused are remanded to custody to be produced in Court tomorrow.

29th July, 1930. G.C. HILTON.

P.W. 263.—Dawarka Datt Sharma, son of Chintamani, 30, Salesman Scientific Apparatus and Chemical Co., Agra. (Concerning Agra) *30.07.1930*

18.2.1929 Sold Sulphuric Acid

26.2.1929 Sold Nitric Acid

27.2. 1929 Sold Sulphuric Acid

15.3.1929 Sold Sulphuric Acid

P.W. 264. — Mr. E.S. Lewis, Additional District Magistrate, Lahore. (Concerning Identification)

P.W.265 - Babu, son of Khubi, 20 years, sweeper, Nai Ki Mandi, Agra. (Concerning Agra) 30.07.*1930*

House always remained closed. Whenever he used to come a person opened it and closed it as soon as he had left.

P.W. 266.—S.K.Chakarvarti, son of K.N. Chakarvarti, 39 years, Assistant Booking Clerk E.I.R., Allahabad. (Concerning Yogesh) *30.7.1930*

Tickets issued on 7.9.1928 and 12.2.1929

P.W.267.—Sri Kishen, son of Dr. Umbe Parshad, 29 years, Ticket Collector, Delhi. (Concerning Yogesh) 30.7.1930

Ticket collected on 8.9.1928

P.W. 268 —Rameshwar Dayal, son of Parshad, Brahman, 30, Parcel Clerk, Jhansi Junction (G.I.P.). (Concerning Yogesh) *30.7.1930*

Tickets issued on 5.3.1929 for Jhansi

P.W. 269.—Prabhu Dyal, son of Banke Behari Lal, Kaisth, 30, Assistant Goods Clerk, at Gowaliar (G.I.P). (Concerning Yogesh) *30.7.1930*

Two Tickets issued on 6.3.1929 for Agra

P.W. 270.—Ram Lal, son of Mukund Lal, Kahar, 43, Head Ticket Collector, E.I.Ry., Cawnpore Central. (Concerning Yogesh) 30.7.1930

On 19.9.1928 ticket collected from Amritsar to Allahabad

P.W. 271.—Din Dayal, son of Sagar Mal, Vaish, 33, Booking Clerk, Agra Cantt. (Concerning Yogesh) 30.7.1930

On 16.2.1929 13 tickets issued for Kanpur

P.W. 272.—Parmeshri Parshad, son of Jowala Parshad, Kaisth,

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45, Booking Clerk, G.I.P. Ry., Agra City Station. (Concerning Yogesh) 30.7.1930

On 16.2.1929 a cycle booked from Agra to Kanpur

P.W. 273.—Satish Chander pal, son of Ram Jadu Pal, Kaisth, 48, Assistant Parcel Clerk, E.I.R. (Cawnpore Central Station. (Concerning Yogesh) 30.7.1930

On 17.2.1929 a passenger arrived from Agra with a cycle

P.W. 274.—Abdus Salam, son of Wali Sheikh, 36 years, Booking Clerk, Agra City Station. (Concerning Yogesh) ***30.7.1930***

On 25.1.1929 a ticket issued for Asansol

P.W. 275.—Bijay Singh, son of Mahipal Singh, Rajput, 30 years, Ticket Collector, Raja Ki Mandi, Agra. (Concerning Yogesh) 30.7.1930

On 6.3.1929 collected two tickets from Jhansi

P.W. 276.— Sindohan Parshad, son of Hanuman Parshad, 30 years, Parcel Clerk, Jhansi Railway Station. (Concerning Yogesh) ***30.7.1930***

A cycle booked on 6.3.1929 for Agra

P.W. 277.—Gobind Rao, son of Ganpat Rao, 33, Booking Clerk, Raja Ki Mandi, Agra. (Concerning Yogesh) 30.7.1930

On 6.3.1929 a cycle arrived from Jhansi with a passenger

P.W. 278.— Devi Chand, son of Lala Jagat Ram, Chief Booking Clerk, North Western Railway, Amritsar. (Concerning Yogesh) 31.7.1930

On 18.9.1928 a ticket was issued for Allahabad

P.W. 279.— Thakur Suraj Narain Singh, Sub Divisional Magistrate, Jhansi on S.A.: —(Concerning Jhansi)

On the 8th of July, 1929, in accordance with the orders of District Magistrate I went with P.N. Ghosh who pointed out certain places in and around Jhansi. He first took me from Kotwali to Pachkoian where he told me that he and his friends, namely Chandar Shekar Azad, Bhagat Singh and a Marhatta gentleman of Jhansi whose name he did not know had hired a taxi and driven to a place where they tested a bomb. We were in a lorry and in accordance with the directions of P.N. Ghosh we proceeded to a place some twenty two miles towards Tal Behar along the Lalitpur Road. The lorry was stopped at a spot on the road near a pipal tree and then P.N. Ghosh took me to a small hillock about a couple of furlongs distance from the road and pointed this out as the place where they had tested the bomb. P.N. Ghosh further stated that he and two others stayed at a distance of some twenty five yards from a big stone under cover of which Bhagat singh tested the bomb. This place is several miles away from any habitation. There is very little traffic on the Lalit Pur Road.

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We then drove back six miles and down another road for another six miles towards Dhukwan Band. Here Phonindra Nath Ghosh pointed out a place where he said Bhagat Singh had bathed in the Betwa river. We then returned to Jhansi. I prepared the memorandum, Ex. P.H.A., at the time. It is in my handwriting, signed by me and is correct.

On the morning of the 9th of July, 1929, I asked Phonindra Nath Ghosh to point out the house in which he had stayed in Jhansi. He took me down certain lanes in the city but was unable to find the house. In the evening I again accompanied him and he then pointed out house NO. 143 in Mohalla Purani Nijai near the house of Seth Milap Chand. While outside the house Phonindra Nath Ghosh at my request described the interior of the house and I then went in and verified this description and found it correct. Phonindra Nath Ghosh told me, though this is not recorded in my memorandum that when he stayed in that house one Ram Dulare was the occupant. I remember this. I did not meet Ram Dulare. I prepared the memorandum. Ex., P.H.A/1, in regard to this matter at the time. It is in my handwriting, signed by me and is correct.

On the 10th of July, 1929, I held a parade at the Kotwali for the identification of Phonindra Nath Ghosh by Rama Nand, son of Kishori Lal, the taxi driver. Phonindra Nath Ghosh was paraded along with thirteen other persons of about the same age and appearance. The witness was kept at a distance from where he could not see the parade. Rama Nand on being called in identified Phonindra Nath Ghosh as the man whom he had driven towards Babina in a taxi in the beginning of March last. Rama Nand also stated that at that time Phonindra Nath Ghosh did not have marks of small pox on his face. Babina is in the same direction as the hillock on the Lalitpur Road. I prepared the memorandum, Ex. P.H.A./2, at the time. It is signed by me and is correct. I also obtained the signature and thumb impression of Phonindra Nath Ghosh on this memorandum.

Cross-examination. — Nil./ R. O. & A. C.

31th July, 1930 G.C. HILTON.

P.W. 280.—Sham Manohar Lal, Assistant Parcels Clerk, N.W.R. Delhi. (Concerning Yogesh) 31.*7.1930*

On 7.3.1929 a cycle came from Agra with a passenger

P.W. 281.—Raghubans Missar, Station Master, Izat Bridge Ry. Station (Allahabad District). (Concerning Yogesh) 31.7.*1930*

On 6.9.1928 two tickets collected from Muzzafferpur to Allahabad

P.W. 282. —Uma Nand, son of Pt. Phul Singh, Brahmin, 42, of Lalitput (Jhansi), Manager and Accountant, Bundhelkhand Cycle and Motor Agency, Sadar, Bazar, Jhansi. (Concerning Jhansi) *31.7.1930*

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Azad Spent 4-5 months in the school 2 years ago. Often seen with PW 279

P.W. 283. —Mistri Siraj-ud-Din, Sheikh, 40, Bahadargarh, Rohtak District, Mechanic, Bundelkhand Cycle and Motor Agency, Sadar Bazar, Jhansi. (Concerning Jhansi)

An employee of the school. Repeats PW 282. Adds Azad having been seen with PW 290

P.W. 284.—Lakshmi Narain, son of Basant Lal, Brahmin, 43, Mechanic in Bundhelkhand Motor and Cycle Agency, Jhansi. (Concerning Jhansi) 31.7.1930

An employee of the school. Repeats PW 282. Adds Azad having been seen with PW 290

P.W. 285.—Kallu Parohat, son of Pandit Lok Nath, Parohat, Brahman, 23, Bijor State (Central India) Mechanic in the Bundhelkhand Cycle and Motor Agency, Jhansi. (Concerning Jhansi) 31.7.1930

An employee of the school. Repeats PW 282. Adds Azad having been seen with PW 290

P.W. 286. —Deoki, son of Binde, Teli, 40, General Merchant, Lal Kurti Bazar Jhansi. (Concerning Jhansi) 31.7.1930

Azad hired the taxi on pretext of taking his family to Orissa

P.W. 287.—Shiv Raj, son of Ghewar Chand, 32 Manager of Seth Milap Chand. Jhansi. (Concerning Jhansi) 31.7.1930

PW 288 stayed in his house from 18.1.1929 *to 18.4.1929 – Rent 3.50 P.M.*

P.W. 288.—Ram Dulare Sharma, son of Pandit Kanta Parshad, Brahman, 27, employee Municipal Board, Jhansi, on S.A.:— (Concerning Jhansi)

I have studied up to the Vernacular Middle Class. I left School in 1921 in connection with the non-co-operation movement. I then became an honorary worker of the Congress Committee at Partap Garh. I used to collect subscription in cash and kind. I lived in the Gandhi Ashram. Among others, Kundan lal, who is an accused in this case and whom I identified in the court of the Special Magistrate, was also an honorary worker with me. I had been working for some four or five months when I was convicted under the Criminal Law Amendment Act and sentenced to six months imprisonment. Kundan Lal was also convicted and he was sentenced to a year's imprisonment which was later reduced to six months. Myself and Kundan Lal were together in Faizabad Jail. This may have been in 1922 or so.

After my release I commenced the advocating of *Khaddar* at

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Partapgarh. But I took up a job in 1925 and on 4th August 1925 I beacome Driver No. 69 in Bullock Half Troop Jhansi where Kundan Lal came to see me. He used to stay in a Dharamshala where I had gone to meet him. After serving there for seven months I resigned. Then I took up service under Jhansi Sadar Bazar Sewa Samiti which too I left after some time and took service in Municipal Committee Jhansi in August 1926 after which I continued working for Sewa Samiti without salary.

During 1928-29 I became president of Shri Ramayan Samaj Khushpura, and also president of Shri Ram Dal Jhansi. In August 1928 I met a person in mandir Kunj Behari who told me that he was known as Pandit ji but is really name is Ram Samaj. His description; Wheatish complexion, average height, heavy build, round face, pock marked, big eyes, age 23-24. He seemed to be from U.P. He also told me that he worked as a motor *(mechanic)* with Bandhel Khand Motercycle Company Jhansi. I told him about my own circumstances and my residence. In the beginning we used to meet at the mandir but later on becoming intimate he used to see me at my house. Other persons too used accompany him on such visits to me. Kundan Lal, Sada Shiv, Bhagat Singh and Bachu were among them. I indentified them while they were sitting in Special Magistrate's Court. When I identified the man Bachu in the court of the Special Magistrate I learnt that his proper name was Bijoy Kumar Sinha.

In the end of September 1928, the 22nd U.P. Political Conference was held at Jhansi. I was in charge of the Pandal on behalf of the Sewa Samiti. There Pandit Ji, accompanied by two other persons, met me. One of them was the man whose name I later learnt to be Bachu. This was the first time I met him. At Pandit Ji's request I provided them with accommodation in my own house and, as I could not leave the Pandal, I gave Pandit Ji the key of the outer door of my house and kept the key of the inner room with me. Kundan lal was living with me in those days. He stayed with me some fifteen or twenty days. I had no family, being unmarried. On the last day of the Conference Pandit Ji returned the key of my house informing me that the two men referred to above had left.

About a month after the conference was over Kundan Lal again came and stayed with me and during this visit he told me that a telegraphic money order for Rs. 10 from one **"Villager"** would come to my address and the money was intended for him. He asked me to take the money and make it over to him when received. A money order was accordingly received at the office of the Municipal Board and I made the amount over to Kundal Lal. Kandan lal left after spending one or two days with me. All this happened in my house which was in Mohalla Panna Lal. After that I shifted to the house of Milap Chand in Nijai Mohalla.

This happened in December 1928 or Jan. 1929. Shiv Raj a peon of Sewa Samiti used to stay with me in my house at Purani Nijai. When I

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changed the house, I showed my new house, to Pandit Ji, who often used to visit me there. He placed to Munglis at my house. He and Sada Shiv used to take exercise with them. They used to undress at that time and tie langotas. One day when the coat of Pandit Ji was hanging on a peg, my hand happened to touch some thing hard in a pocket of the coat. I asked Pandit Ji about this and later when he had finished his exercise he showed me something wrapped in a piece of paper. He took off this piece of paper removed and I saw it was an iron thing about 2½" round and 6" long. Pandit Ji told me it was a revolver. I had never seen a revolver before. Its chamber had six cartridges in it. He told me that the revolver had been given to him by his party for his protection and also for use against Government officials who were against swaraj. Pandit Ji had not previously referred to any party. I asked Pandit Ji the name of the party and he said it was "The Hindustan Republican Association."

He told me that the object of the party was to win freedom. He asked me to become a member of this party, but I declined for want of time. He spoke disapprovingly of the methods of Mr. Gandhi to attain freedom by non-violence which, he said, had done great harm to the country and that the methods of his own party were to attain freedom by violence and that they would succeed. Pandit Ji further told me on my declining to join that he had not spoken about this to anyone and that I should not divulge what he had told me, otherwise I would be killed. He swore me to secrecy and I took an oath not to divulge what he had told me to anyone. This was in February 1929, as far as I remember. Pandit Ji used to come after this to do his exercises and on one occasion he brought two companions with him. This was in March. On this occasion when Pandit Ji came with two companions Shiv Raj, Chaprasi, was with me. They came early in the morning. He asked me to accommodate his two companions. I did so, they stayed with me for a day and a night. One of these two men was addressed as Sardar and the other as Dada.

When I gave my evidence before the Special Magistrate I picked out the man who was called Sardar from among the accused in the dock and then learnt his name was Bhagat singh.

I see the man in court (P.N. Ghosh, approver). This is the same man who was addressed as Dada and who stayed at my house for a day and a night. This was the first occasion on which these two men namely Bhagat Singh and Dada had come to my house. During the course of the day Pandit Ji returned to my house along with Sada Shiv. I left them at my house and went at 11.30 AM to my office, returning at 5.30 PM. When I returned these four person were not present in my house. My servant Shiv Raj said that the three persons had left with Pandit Ji. In the same morning when Bhagat Singh came he hade a leather suitcase with him. When I came for office that suitcase was not in my house. A cycle was

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lying at my house which Sada Shiv had brought with him. Then I went for a walk and came back at about 8 PM. By now the four aforesaid persons came. Two persons namely Sardar and Dada stayed with me, while Pandit Ji and Sada Shiv went away. Next morning Pandit Ji and Sada Shiv again came to my house and went away with two guests. Sada Shiv took away his cycle and the Sardar his suitcase.

Seeing Ex P. 296 in the court he identified the same suitcase mentioned above. Some time before this another person had come with Pandit Ji and stayed with me day and night in this house. I identified this person in court of Special Magistrate, who I learnt was Rajguru. When Rajguru stayed with me, we talked in Hindustani. After Dada and Bhagat Singh had stayed with me in my house for some time. On 20th March 1929 Sada Shiv brought a person called Bachu whom I had seen earlier at the conference when he had stayed with me.

By Court.—I asked Bachu to write a letter to Lala Madan Gopal, Advocate, at Cawnpur, and I identify that particular letter on account of the reply from Madan Gopal on the reverse. I can recognize the signature of Madan Gopal even though I do not know English as I have seen his signature before.

(Note:- Actually Exh. P.B.W./2 is addressed to the Secretary, Hindu Sabha, Cawnpur, and not to Madan Gopal, and the letter on the reverse is addressed to the Secretary, Hindu Sabha, Cawnpur, and purports to be written by Madan Gopal.)

Examination–in-chief continues—Some three or four days after I commenced to live in my house in Mohalla Najai, Pandit Ji and Sada Shiv brought two suit cases and a chintz quilt to my house. Pandit Ji gave me keys of these and told me not to open them, but that if any member of his party came with Sada Shiv and asked for the keys I was to give them. Some two days or so after Bachu and Sada Shiv came to my house and the letters were written, they both came again. I was asked for the keys of the two suit cases and I gave them to Sada Shiv. I then went downstairs. They left after three or four hours returning the keys to me and leaving the two suitcases and the quilt behind. The cotton was removed from the quilt later on by me. I identify the two tin suit cases in Court. Exh. P.514 and P.515, as those left with me by Pandit Ji and Sada Shiv.

On the *2nd May,* 1929, the Police searched my house. They asked me what was in the two suitcases and I handed them the keys. The police then opened the suitcases in my presence and clothes, books and other articles recovered there from. The police prepared recovery list.

The following articles were found in the two suit cases:-

1.	Two Caps	Exh. P.526.
2.	A Book "Socialism" versus the State	Exh. P.521
3.	A Book in Hindi	Exh. P.523

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4.	A Book in Hindi	Exh. P.522
5.	A Book in Hindi	Exh. P.520
6.	A copy of "Chand Magazine"	Exh. P.518
7.	A book in Hindi	Exh. P.519
8.	Some notes	Exh. P.527
9.	Some Papers	Exh.P.B.X. to P.B.X./7
10.	A Catalogue	Exh. P.528
11.	A book	Exh. P.525

Some of the books and papers mentioned by me above may have been found outside in my house. The notebook Ex. P.517 and the book Ex. P.521 belong to me and were found in my house. The police took away the two caps, the books and papers mentioned by me above leaving the clothes and the suitcases behind. They returned the key to me.

On the19th of July, 1929, I was arrested in my house and brought to Lahore where I made a statement. I was taken back to Jhansi and on the 31st July I made over the two suit cases and their contents, two Indian clubs mentioned before, a warm chaddar, a warm coat and the cover of the quilt to the Police. I identify the following articles in Court as having been found in the suit cases:

Coat, Exh. P. 538.
Coat, Exh. P. 537.
Coat, Exh. P. 487.
Flannel Shirt, Exh. P. 536
Shirt, Exh. P. 535.
Waistcoat, Exh. 534.
Muffler, Exh. P. 583.
Muffler, Exh. P. 532.
Muffler, Exh. P. 531.
Coat, Exh. P. 530.
Warm chadar, Exh. P. 529.
Cover of quilt, Exh. P. 516.
Indian Club, Exh. P. 518.

The quilt cover and the clubs were in the suit cases.

I was discharged on the 8th of August, 1929

I identify my signature on the recovery list Ex. P. H. E.

(Note :— This witness is recorded by the Special Magistrate as having identified Kundan Lal, Bijoy Kumar Sinha, Bhagat Singh and Shivram Rajguru accused.)

[The Prosecutor requests that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288 of the Code of Criminal Procedure. Orders will be passed in due course.]

Cross-examination. — Nil./ R. O. & A. C.

31th July, 1930 G.C. HILTON.

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Hearing adjourned to 10 a.m., the 1st of August, 1930. The accused are remanded to custody to be produced in Court to-morrow.

31th July, 1930 G.C. HILTON.

P.W. 289.— Shiv Raj, son of Bhagwan Dat, Brahman,15, chaprasi, Electric Supply Company, Jhansi. (Concerning Jhansi) *31.7.1930*

Knew Azad; noticed the activities relating to bomb experiment

P.W. 290. — Rama Nand, son of Kishori Lal, Kaisth 32/33, Motor Driver, Jhansi. (Concerning Jhansi) 1.8.1930

Had learnt driving with Azad. Narrated the episode of bomb explosion/experiment in details.

P.W. 291. —Lala Madan Gopal, B.A., LL.B. son of Munshi Lal, Bahadur, 40 years, Advocate Cawnpore. (Concerning Jhansi) 1.8.1930

Formal

P.W. 292. — Tulsi Ram son of Pandit Ganda Ram Brahmin, 36/37 years, Reader to the Additional District Magistrate, Ferozepore. (Concerning Ferozepur) 1.8.1930

He had seen Mahavir Singh and Bijoy Kumar Sinha also in this house.

P.W. 293.— Lekh Raj, son of Lala Kishore Chand, Khatri. 34 years, Banker and House-owner, ferozepore. (Concerning Ferozepur) 1.8.1930

Rented the house through his Munim (PW 294) for about 6 months in 1929 to Bhagwan Sarup.(Gaya Prasad)

P.W. 294.— Sadhu Ram, son of Lachhman Das, Sud, 24 years, Munim of Lala Kishori Chand-Lekh Raj, Ferozepore. (Concerning Ferozepur)

Repeats PW 293.

P.W. 295. — Gajju Ram, son of Khetu Ram, Rajput, 23. barber, Shah Ganj Mohallah, Ferozepore. (Concerning Ferozepur) 1.8.1930

Used to see 4/5 persons coming there.

P.W. 296.— Muhammad Tufail, son of Faiz Bakhsh, Rajput, 40, Painter, Ferozepore Cantonment. (Concerning Ferozepur) 1.8.1930

About 2 years ago, had painted a board "Nigham Pharmacy, Chemists & Druggists" for Rs. 5/-

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P.W. 297.— Chanda Singh, son of Hari Singh, Kamboh, 38, Tailor, Ferozepore City. (Concerning Ferozepur) 1.8.*1930*

Had stitched a cap and a coat for Dr Gaya Prasad.

P.W. 298.— Ram Lal, son of Bahadur Mal, Arora, 28, shop-keeper, Ferozepore City. (Concerning Ferozepur) 1.8.1930

Prem Dutt had rented his house and retained it for 24-25 days.

P.W. 299.— Mukand Lal, son of L. Gopal Sahai Khatri, 29, Principal, Typewriting and Shorthand College, Ferozepore City. (Concerning Ferozepur) 1.8.1930

April 1928 Prem Dutt joined his college. He came only for 4/5 days.

P.W. 300. — Miran Bakhsh, son of Ranjha, 60, caste Gujjar, Chaff Seller, Ferozepore City. (Concerning Ferozepur) 1.8.1930

Formal

P.W. 301.— Mst. Bibi Rani, widow of Lalu, 40, Sweepress, resident of Ferozepore City. (Concerning Ferozepur) 1.8.1930

Formal

P.W. 302. — Dr. Dewan Singh, M. B., B. S., Assistant Surgeon, Abdullahpur, District Ambala. (Concerning Ferozepur) 1.8.1930

He practiced in Ferozepur from January 1929 to July 1929. In February 1929, he was offered furniture and medicines for sale by Dr Nigham. He paid Rs. 25/- on 4.2.1929 for this purchase.

P.W. 303. — Khan Amir Nawaz, Khan, Magistrate, 1st Class, Mianwali. (Concerning Identification)

P. W. 304. — Dina Nath, son of Lala Diwan Chand, Khatri, 24, Zimindara, Ferozepore, now at Kanga Khurd. (Concerning Ferozepur) 2.8.1930

Formal

P.W. 305. — Roshan Lal, son of Bhagat Nirmal Das, Arora, 37, Clerk, Railway Office, Ferozepore. (Concerning Ferozepur) *2.8.1930*

Prem Dutt was his neighbour during April 1929. He borrowed some books from him.

P.W. 306. — Bhag Ram son of Maya Das, Khatri, 30, Muharrir, Deputy Commissioner's Office. Ferozepore. (Concerning Ferozepur) *2.8.1930*

Formal

P.W. 307.— Sri Ram, son of Gokal Chand Brahmin, 24 years, Clerk, Arsenal office, Ferozepore. (Concerning Ferozepur) 2.8.1930

Formal

P.W. 308. — Dulla Khan, son of Abdul Razzak Khan, Pathan, 30

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years, Mason, Mohalla Shah Kanth, Lahore. (Concerning Lahore) *2.8.1930*

Formal

P.W. 309.— Lala Gopal Krishan, son of Lala Beli Ram, Kapur, Khatri, 191/2 years, Shopkeeper, Lahore. (Concerning Lahore) *2.8.1930*

Produced the rent record

P.W. 310.— Brij Gopal Mitra, son of Kidar Nath Mitra, Kaisth, 22 years, Student, Pitman Shorthand Institure, Cawnpore. (Concerning Agra) 02.08.1930

Knew Bijoy Kumar Sinha – saw him in Agra during Dec. 1928/ Jan. 1929.

P.W. 311.— Devi Chand, son of Lala Atma Ram, Khatri, 24 years Contractor, Wachhowali, Lahore. (Concerning Lahore) 0*2.08.1930*

Formal

P.W. 312.— Manas Khan, son of Bhadu Khan, Dhund, 32 years, Postman, General Post Office, Rawalpindi. (Concerning Rawalpindi) 02.08.1930

Formal

P.W. 313. — Charan Singh, Sub-Inspector of Police, No. C. 138, Lahore Cantonment. (Concerning Police) *02.08.1930*

Formal

P. W. 314. — Mohammad Afzal, son of Nur Muhammad, Kashmiri, 30, Clerk, General Post Office, Lahore. (Concerning Rawalpindi) *02.08.1930*

Formal

P.W. 315. — Bansi Lal, son of Guran Ditta Mal, 63, Deed-writer and stamp vendor, Shahalmi Gate, Lahore. (Kucha Kirpa Ram) (Concerning Lahore) 02.08.1930

Had sold stamp papers for the rent deed on 15.12.1928.

P.W. 316. —Mehnga Ram, son of Chhunna Mal, Khatri, 22, resident of Mughal Bazar, Amritsar. (Concerning Amritsar) 02.08.1930

Had rented out Mughal Bazar house through PW 197 Ram Sahai. Same facts stated.

P.W. 317. — Mansa Ram, son of Gobind Ram, Brahmin, 23, Hotel-keeper, Jullundur. (Concerning Lahore) 02.08.1930

Formal

P.W. 318. Hans Raj, son of Hari Ram, Brahmin, 25, owner of the Hindu Sharma Hotel, Ferozepore city. (Concerning Ferozepur) 2.8.1930

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Formal

P.W. 319. —Jagan Nath, son of Phuman Lal, Aggarwal, 32 shop-keeper, Anarkali, Lohore. (Concerning Delhi) 2.8.1930

[Sukhdev's Remark 137: A good man indeed. Many a witness deliberately declined to recognize the accused. In the Court of Sri Krishan this witness was declared hostile. But some of the witnesses were shameless enough to do so and act according to police instructions.]

I see the hat in Court, Exh. P. 493, which is the one sold by me. My shop is known as a "Aggarwal Brothers." *The hat bears the name of my shop on the leather band inside.* This hat was one of a shipment of six dozen received by us under the invoice. Exh. P.B.N. Exh. P. B. N/1 ralates to the same shipment. The shipment was made in March or April. 1927. The police took these two invoices from me and prepared the recovery memorandum, Exh. P.B.N./2 which bears my signature and is correct.

Cross-examination. — Nil./ R. O. & A. C.

2nd August, 1930 G.C. HILTON.

Hearing adjourned to 10 a.m., the 4th August 1930. The accused are remanded to custody to be produced in Court on that date.

2nd August, 1930 G.C. HILTON.

P.W. 320.— Mian Jagdish Singh, Magistrate, 1st Class, Delhi. (Concerning Delhi) 4.8.1930

Inspected the site of meeting of 8-9 September 1928 and also some other spots in Delhi.

P.W. 321. — Khan Bahadur Syed Budhe Shah, Honorary Civil Judge and Sub-Registrar, Amritsar. (Concerning Lahore) 4.8.*1930*

Had given some details of the raid on Kashmir Building same as by PW 23

P.W. 322. — Khan Sahib Dr. Nur Muhammad, Assistant Surgeon, Medical Officer at Wazirabad. (Concerning Betia) 4.8.1930

Formal

P.W. 323.— Hargurchet Singh, Sub-Inspector of Police, Delhi. (Concerning Delhi) *4.8.1930*

Took possession of the clothing items of Bhagat Singh on 19.4.1929.

P.W. 324. — Asa Ram, son of Umrao Singh, 22, Brahmin Shopkeeper, resident of Bazar Chah Nilgaran Saharanpur. (Concerning Saharanpur) *4.8.1930*

Formal

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P.W. 325. — Des Raj, Parcel Clerk, N. W. R., Lahore. (Concerning Lahore) ***4.8.1930***

Booked some luggage for Gujrat on 21.4.1929

P.W. 326. — Fakhar Din, son of Allah Wadhawa, 40, Parcel Clerk, N. W. R., now at Lahore. (Concerning Lahore) ***4.8.1930***

Sent some luggage to Gujrat on 21.4.1929

P.W. 327.— Ahmad Bakhsh, son of Qamar-ud-Din, 45, Sheikh, Head Ticket Collector, Agra. (Concerning Agra) ***4.8.1930***

Had collected / two Railway Tickets from Calcutta to Agra fort on 24.01.1929.

P.W. 328. — Hasha Ullah Khan, son of Bakhsh Ullah Khan, 30, Pathan Relieving Assistant Coaching Clerk, B.B. & C. I., Agra Fort. (Concerning Agra) ***04.08.1930***

Collected railway ticket from Howrah to Agra Fort on 13.02.1929

P.W. 329.— Qabul Chand, son of Kura Mal, Jaini, 43, Head Ticket Collector, New Delhi. (Concerning Delhi) ***04.08.1930***

On 2.4.1929, collected two third class tickets from Agra to Delhi.

P.W. 330.— B. Hem Chand, son of Lala Kashmiri Lal, 26, Jaini, Booking Clerk, New Delhi Station. (Concerning Delhi) 04.*08.1930*

Had issued one third class return ticket for Agra on 1.4.1929 and another similar ticket on 29.3.1929.

P.W. 331. — Gopal Das, son of Pirya Das, Aggarwal Bania, 26, Confectioner and money-lender,(Nuri Darwaza) Agra. (Concerning Agra) 04.08.1930

Brother of PW 234. Produced record of the rent receipts.

P.W. 332. — Ram Chand, son of Behari Lal, Rajput, 52 years, Goldsmith, Saharanpur. (Concerning Saharanpur)

I have my shop in Chakrota, Dehra Dun. I have a house in Rani Bazar, Saharanpur, which I let out on rent.

In 1929, about a year ago, I rented this house to one Doctor Ram Nath. This was shortly after the *Holi* festival. He selected two rooms on the ground floor and I rented these two to him at a rental of Rs. 5 per mensem which he paid me in advance. He put his beddings, etc., into the rooms and, locking them up, said he was going to bring his family. He returned in eight or nine days, accompanied by a young *Babu*. On my enquiry as to who his companion was, the doctor said he was his brother. After a little while both these men went out and the doctor returned alone about 4 or 5 p.m. and, when I asked him about his companion, he told me that he had gone to his home, When I asked the doctor about his family, he said he would bring them when he had established his business. I thereupon

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told him that I would not be able to rent the house to him. Next day he went out and, on his return, told me that he had obtained another house. He asked me to cut out the few days' rent from the Rs. 5 he had paid me but I said I was not going to do that, and he could have Rs. 5 back which I gave him and he vacated the rooms.

At a parade at the Lahore Fort I identified the companion of the doctor whom the latter described his brother. This was in the presence of a Magistrate. After this parade I was taken by the Magistrate to a Jail and there I picked out the doctor from amongst several others.

To-day I was taken to the same Jail and there picked out the doctor and his companion from among others in a barrack. The doctor and his companion and others were lying on *charpoys.*

Cross-examination. — Nil./ R. O. & A. C.

4th August, 1930. G.C. HILTON.

P.W. 333.— Hafiz Muhammad Ishaq, son of Hafiz shams-ud-Din, 55 years, Sheikh, Petition writer, Fetehgarh District jail Fatehgarh. (Concerning Yogesh)

I see the interview forms, Exs. P. E. S. and P. E. S/1, dated the 3rd of March, 1928. Both these forms have been filled in by me. Ex. P. E. S. purports to be an application from one Ram Asra for an interview with a convict, named Ram Dulare. Ex. P. E. S./1 is an application on behalf of Parbhat Chandar for an interview with a convict, named Chatterjee. I filled in these applications outside the District Jail, Fetehgarh, where I sit.

Cross-examination. — Nil./ R. O. & A. C.

4th August, 1930. G.C. HILTON.

P.W. 334.— Omkar Nath, son of Ram Sahai- Brahmin 41, Police Constable, C.I.D., stationed at Farrukhabad U.P., on S.A. :— (Concerning Yogesh)

On the 4th of March, 1928 I was detailed by Mohan Singh, Sub-Inspector, to shadow one Parbhat Chandar who was pointed out to me by the said Sub-Inspector. I picked him up at the Fatehpur Railway Station and followed him to Khudlapur Railway Station.

On alighting at Khudlapur ***Prabhat Chandar walked about for a little while and then went into a house which bore the sign board of Dr. Gya Parshad.*** [Sukhdev's Remark 138: Carelessness on the part of Shiv Verma. He wanted to avoid following. But he disclosed about Gaya Prasad in going to his house than escaping from that place.] This house is some eight or ten paces distant from the Railway Station. He remained there and I also stayed there on watch.

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On the following morning when some patients came to the house a man came out to see them and I took him to be the doctor. Parbhat Chandar did not come outside the whole day and after waiting there till about 11 O'clock at night I returned in Farrukhbad.

Parbhat Chandar had a companion with him from Fatehpur to Khudlapur. This man went on in the train in the Cawnpore direction. [Sukhdev's Remark 139: Wrong.] He was a young man and appeared to me to be a Bengalee.

On the 21st of June, 1929, I attended a parade at the Lahore Fort and, in the presence of a Magistrate, identified the man Parbhat Chandar, whose name I then learnt was Sheo Varma. and also Dr Gya Parshad.

On 19th August 1929, I attended another parade in Jail at Lahore, and in the presence of a Magistrate identified the young man who had travelled with Parbhat Chandar as far as Khudlapur and gone on towards Cawnpore. There I learnt that this man's name was Bijoy Kumar Sinha.

To-day I went to the same Jail and there identified the same three men from among several others in a barrack. These three men and others were lying on beds. I identified these men in the presence of certain Jail officials.

Cross-examination. — Nil./ R. O. & A. C.

4th August, 1930. G.C. HILTON.

P.W. 335. — Zainulab Din, son of Muhammad Taqi Sheikh, 41, Constable, C.I.D., Farrukhabad, on solemn affirmation. :— (Concerning Yogesh)

On the 4th March 1928, I received a telephonic order from Sub-Inspector Mohan Singh to meet him at the Central Jail at Fatehgarh without delay. There I met him and he pointed out two young men outside the Jail and directed me to keep a watch on their movements. They went to Mauza Bholepur and I followed them. This Mauza is near the Fatehgarh Railway station. They went into the house of a warder Ganga Parshad. [Sukhdev's Remark 140: Perhaps this was the man through whom communication with Jogesh were connected. Why they went to his house when they were followed.] *The house belonged to one Rudr Singh, Qurmi. I remained there and when it was time for the departure of a train to Cawnpore they came out, and went to the railway station. I followed them and at the railway station met Mohan Singh who relieved me of the duty of following these two men and directed Omkar Nath, Constable(P. W. 334), to follow them and watch their movements. The two men and Omkar Nath got on to the train.*

On the 16th November, 1929, I attended a parade at the Borstal Institution and, in the presence of a Magistrate, I identified one of the two

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men whom I had followed. I learnt that his name was Sheo Varma. While watching them outside the Fatehgarh Jail I learnt that the names of those two were Parbhat Chandar and Bal Krishna. Sheo Varma was the man whose name I learnt at Fatehgarh was Parbhat Chandar.

To-day I went to the Borstal Institution and picked out Sheo Varma from among several other persons in a barrack in the presence of two Jail officials. Sheo Varma and others were lying on beds.

Cross-examination. — Nil./ R. O. & A. C.

4th August, 1930. G.C. HILTON.

P.W. 336.— Nand Kumar Varma, son of Baldev Parshad, 24, Kaisth, Assistant Judicial Record-Keeper, Collector's Office, Gorakhpur. (Concerning Police) 4.8.1930

Produced record of the case against Kailashpati in a Gorakhpur Court

P.W. 337. — Durga Singh, Sub-Inspector, Gorakhpur, Barhal Ganj, Thana. (Concerning Police) 4.8.1930

Produced record of the case against Kailashpati in a Gorakhpur Court

P.W. 338. — Mathra Das, son of Radha Ram, Brahmin, 28, Assistant Meter Inspector, Electric Supply Company, Lahore. (Concerning Lahore) 4.8.1930

Near Guru Datt Bhawan (formal)

P.W. 339. — Jagu Ram, son of Munshi Ram, Brahmin, 27, Electrician, Electric Supply Company, Lahore. (Concerning Lahore) *4.8.1930*

Near Guru Datt Bhawan (formal)

P.W. 340. — Gopal Singh, son of Khushal Singh, Ram Garhia Sikh, 48, Sub-Overseer, District Board, and Municipal Commissioner, Ferozepore. (Concerning Ferozepur) 4.8.1930

Accompanied police, with Kishori Lal to locate a house in Patwarian Mohalla.

P.W. 341. —Ram Singh, son of Bhawani Singh, Naik, Police, Agra, on S.A.:— (Concerning Yogesh)

On the 16th February, 1929, I was detailed for duty to escort a convict named Jogesh Chandar Chatterji from the Agra Jail to the Lucknow Central Jail. I had with me police from Lucknow. We halted for the night at Cawnpore and the convict was lodged in the lock-up of the railway police at that station. Next morning we left by the 9 'O'clock train for Lucknow, arriving at Lucknow at about 10.30 a. m.

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Cross-examination. — Nil./ R. O. & A. C.

5th August, 1930. G.C. HILTON.

P.W. 342.— Hakim Ahmad Din, son of Mian Sirajud-Din, 48, Hakim, Shahdara. (Concerning Police) 5.8.1930

Formal

P.W. 343. — S. Narain Singh, Sub-Inspector of Police, stationed at Thana Sadr, Jhang, on S. A. :— (Concerning Writings)

In May, 1929, I was attached to the special staff of the C. I. D.

On the 7th May, 1929, I went to Gujrat with Prem Dutt, accused. From the house of his grandmother, Mt. Mela Devi, he produced the articles detailed in the recovery list, Ex. P. C. A./1. Mt. Mela Devi was present and the house was occupied. The articles consisted of clothes, books and some utensils. The list was prepared at the time in the presence of witnesses, is signed by me and is correct. I identify my signatures on the following books. :-

Ex. P. 509,
Ex. P. 481,
Ex. P. 554,
Ex. P. 543,
Ex. P. 544,

A zinc box Ex. P. 471 and two dry batteries, Exh. P.474 and P. 474 A, were also produced by Prem Dutt.

On the same day Prem Dutt took me to his house and taking the key of it from Mt. Mela Devi unlocked it. The articles detailed in the list. Ex. P. C. A./2. were produced by Prem Dutt in my presence and that of the witnesses. The list was prepared at the time. It is in my hand-writing, signed by me and is correct. All the books were entered in the list Ex. P. C.A./2 and signed by me. The pair of shoes, Ex. P. 89, was produced from Mt. Mela Devi's house by Prem Dutt.

On the 12th May, 1929, I again went to Gujrat accompanied by Prem Dutt and from the house of Mt. Vidya Vanti, widow of Thakar Das his paternal great-aunt. he produced the khaki twill shirt, Ex. P. 593, and a sheet. Ex. P. 594. I prepared the recovery list, Ex. P. C. A./3. It is signed by me and is correct.

On the same day Prem Datt, accused produced from the house of Mt. Mela Devi previously mentioned several articles including the cloth bag. Ex. P. 484. I prepared the recovery list, Ex, P. C. A/4, at the time which is signed by me and is correct.

Cross-examination. — Nil./ R. O. & A. C.

5th August, 1930. G.C. HILTON.

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P.W. 344 — Pt. Ganga Ram Nagar, son of Anandi Lal, Nagar, 68 years. Assiatant Warden, Hindu Hostel, Allahabad. (Concerning Police) 5.8.1930

Formal

P.W. 345. — Mr. Samuel Nasir, son of Fateh Masih, 42 years, Christian, Sub-Inspector of Police, District Intellegence Staff, Agra on Oath: —(Concerning Yogesh)

Repeats PW 346 Azmat Ullah Khan.

P.W. 346. — Azmat Ullah Khan, son of Hafiz Ullah, 40 years, Constable, No. 231, C. I. D., District Intelligence Staff, Agra, on S. A. :— (Concerning Yogesh)

On the 16 February, 1929, Jogesh Chandar Chatterji, a convict in the Central Jail, Agra, was taken to the Central Jail, Lucknow, under escort. I gave this information to Sub-Inspector Samuel Nasir (P. W. 345).

Cross-examination. — Nil./ R. O. & A. C.

5th August, 1930. G.C. HILTON.

P.W. 347. — Mr. Jang Bahadur Singh, Assistant Editor, The "Tribune," Lahore, on S. A. :— (Concerning Writings)

(Q)— Did any person named Bhagwati Charan come to your office in the summer of 1928 in order to get some pamphlet with the heading "Manifesto" printed at your press or in the Tribune newspapar ?

(A)— I consider it revolting to my conscience to answer any question or make any statement as a witness so long as the accused are not here to cross-examine me and scrutinise my statement. I should say it is revolting to my conscience.

(At this stage the following provisions of the law were brought to the notice of the witness :—

(1) section 14 of the Oaths Act;
(2) section 179 of the Indian Penal Code;
and
(3) sections 485, 480 and 482 of the Criminal Procedure Code.)

By Court. —(Q) —Having had the provisions of the law brought to your notice are you willing to answer the question which has already been put to you by the Prosecutor ?

(A)— I am sorry I cannot answer the question. I cannot disobey my conscience.

(At this stage it was brought to the notice of the witness that the question put to him concerns Bhagwati Charan, who is an absconding

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accused in this case, and the provisions of section512 of the Criminal Procedure Code were also explained to the witness.)

(The witness was given time to consider the matter after which the Prosecutor's question was repeated to the witness.)

(A)— I think that somebody brought a pamphlet to me for publication in the Tribune about the year 1928.

(Q)—Did you take that pamphlet or decline to take it ?

(A)— I took the pamphlet and read it through and, finding that there were objectionable passages in it, referred it to the editor. The Editor also found objectionable passages in the pamphlet and it was decided not to publish it. I think it was returned to the man who brought it.

The pamphlet brought to me was a printed one of the kind shown to me, Ex. P. X. I say this with reference to the colour and size of the paper. Having glanced through the document, Ex. P. X., I can say that the subject matter of the pamphlet brought to me was the same. I have no clear recollection whether the man who brought the pamphlet gave his name as Bhagwati Charan or B. C. Vohra. So many men come to me that I cannot remember their names. I would not be able to identify the man who brought the pamphlet to me. The Editor referred to by me, to whom I took the phmphlet was probably Pandit Pearey Mohan, Senior Assistant Editor, who acts for the Editor in the latter's absence.

Cross-examination. — Nil./ R. O. & A. C.

5th August, 1930. JANG B. SINGH/ G.C. HILTON.

Witness wishes to add that he answered the questions on an assurance being given by the Prosecutor that the evidence given by him would only be used against the absconding accused Bhagwati Charan and not against the other accused.

JANG B. SINGH./ G.C. HILTON.

P.W. 348. — Sohan Lal, son of Lala Salig Ram, 33, Arora, Proprietor, Arorbans Press, Lahore, on S.A. :— (Concerning Writings)

I see the document Exh. P. X. This was printed at my press. This was printed as far as I remember a few days after the death of lala Lajpat Rai. The document when brought to be printed was in manuscript. Exh. P. X. is in accordance with the original document. The man who brought this document to be printed gave his name as B. C. Vohra and he appeared to me to be a resident of the United Provinces. He came several times to my press as I did other printing work for him. I would be able to identify this man if I saw him.

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Cross-examination. — Nil./ R. O. & A. C.

5th August, 1930. G.C. HILTON.

P.W. 349.— P. A. Dogra, Deputy Superintendent, Police, Ludhiana. (Concerning Police) 5.8.1930

Had searched house of H.R. Vohra's father at Lahore. Also identified places at Allahabad

P.W. 350.— Pt. Chatar Sen Shastri, son of Lala Kewal Ram, Rajput,,38, resident of Mohalla Fatehpuri, Delhi, Vaid by occupation, on S.A. :— (Concerning Writings)

I sometimes contribute short stories and articles to Hindi magazines. I know Mr. Sahgal, the proprietor and editor of the Chand magazine.

In November, about two years ago, the Special Phansi Number of the Chand Magazine was edited by me. Several persons sent contributions.

A man named Ram Narain Kapoor, who was brought to me by Chandar Shekhar Shastri, contributed several articles and also illustrations. Among the articles contributed by Ram Narain Kapoor some releated to persons who had been executed for political offences. Their blocks were also furnished by him. This contributor, as far as I remember, was paid at the rate of Rs. 2 per page and Rs. 2 for each illustration. The articles contributed by Ram Narain were duly published in the special number referred to.

I only saw Ram Narain once for about ten minutes and the impression that I got of him was that he was young, of a dark complexion, slim, was wearing dark glasses and was clean-shaven.

I see Ex. P. 570. This is the Special Number of the Chand magazine referred to by me. The articles of Ram Narain Kapoor appear at the end, from pages 244 to 315.

By Court. — As far as I know some 10,000 copies of the Chand magazine were printed.

Cross-examination. — Nil./ R. O. & A. C.

5th August, 1930. G.C. HILTON.

P.W. 351. — Surendra Nath Mukerjee, Sub-Inspector, Police, C.I.D., Allahabad, U. P. (Concerning Police) *5.8.1930*

Formal

P.W. 352. — Raghunath Mitra, son of B. Giri Gopal Mitra, kaisth, 23, M. Sc. student, Allahabad. (Concerning Police) *6.8.1930*

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Formal

P.W. 353.— Pandit Wadhawa Ram, son of Pandit Gela Ram, Brahmin, 53 years Deputy Superintendent of Jail, Delhi. (Concerning Delhi) ***6.8.1930***

Had recovered the hat from Bhagat Singh and handed it over to PW 120 on 26.4.1929.

P.W. 354. — Natha Singh, constable No. 1008, Barki Police Station, District Lahore. (Concerning Police) ***6.8.1930***

Formal

P.W. 355.— M. L. Bannerjee, Sub-Inspector of Police, Finger Print Bureau, Phillaur. (Concerning Police) ***6.8.1930***

Formal

P.W. 356.— Guranditta Mal, Sub-Inspector of Police, No. 15-W, Rawalpindi. (Concerning Agra) ***6.8.1930***

16.7.1929 Verified record of railway stations, and of Dharmsala at Agra.

P.W. 357. — Muhammad Ata Ullah, Inspector of Police, C.I. D., Punjab, Lahore, on S. A. :— (Concerning Writings)

On the 2nd of may, 1929, acting under orders, the house of Yashpal in Wachhowali was searched under my supervision. The articles recovered during the search are duly entered in the recovery memo., Ex. P. Y., which is signed by me. The articles in Court, Exs. P. 177 to P. 199, are those recovered during the search and taken possession of by me. Each of the articles has been initialled by me. Yashpal was absconding at the time, but his mother and brother were present during the search. The house was open and occupied.

I then went to Allahabad and, on the 5th of May, 1929, I searched the Chand Press there. I took possession of the cash book and certain papers containing the accounts relating to the Phansi number of the Chand Magazine. Ex P. E. O./1 is the cash book in question. The relevent entries are on page 86, Ex. P. E. O./2, page 93, Ex. P. E. O./3, page117, Ex. P. E. O./4, and page 121, Ex. P. E. O./5. The entries in question were in the same condition when I took possession of the register as they are now. The papers containing the accounts are Ex. P.E. O./6. The condition of these paper is the same as it was then. The recovery memo, Ex. P. E. O., relating to the cash book and account papers was prepared in my presence, is signed by me and is correct.

From Allahabad I went to Delhi where, on the 6th of May, 1929, I searched the house, press and shop of Chatar Sen, shastri (P. W. 350). These are all in one and the same premises. I took possession of certain correspondence relating to the Phansi number between Chatar Sen,

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Shastri, and the proprietor of the Chand Magazine. The letters, Exs. P. E. O./ 9, P. E. O./10, P. E. O./11, P. E. O./12, P. E. O./ 13, and P. E. O./14, are among those of which I took possession. The recovery memo, Exh. P. E. O./ 8, was prepared at the time. It is signed by me and is correct. I had translations made in English of Exs. P. E. O./9, P. E. O./ 10, P. E. O./11, P. E. O./ 12, P. E. O./13, and P. E. O./ 14, and these are Exhs. P. E. O./9-A, P. E. O./ 10-A, P. E. O./11-A, P. E. O./ 12-A, P. E. O./13-A, and P. E. O./ 14-A, I then went to Cawnpore and, on the 18th of May 1929, searched the house of Satgurdyal, Avasthi. I took possession of certain books which are detailed in the revovery memo prepared at the time, Exh. P. E. C./27,

This is signed by me and is correct. Among the books recovered were Exhs. P. 792, P. 793 P.794, P. 795, P. 796, P. 797 and P. 798. These books bear my initials. Satgurdyal is an absconding accused in this case.His brother was present at the search and the house was open and occupied.

I returned to Allahabad and at my request Mr. Sehgal owner Chand Press produced four receipts. Exs. P.E.O./15, P.E.O./16, P.E.O./17, and P.E.O./18, and two chits, Exs. P.E.O./19, and P.E.O./20. Exs. P.E.O./15, P. E. O./16, P. E. O./17, P. E. O./18, and P. E. O./20, purport to be signed by one Har Narain, Kapur. I also obtained five letters in Hindi; Exs P. E. O./21, P. E. O./22,P. E. O./23, P. E. O./24, and P. E. O./25, purporting to be correspondence between Chatar Sen, Shastri (P W. 350), and Mr. Sehgal. Exhibits P. E. O./15, P. E. O./16, P. E. O./17, P. E. O./18, P. E. O./19, P. E. O./20, P. E. O./21, P. E. O./22, P. E. O./23, P. E. O./24, and P. E. O./25, bear my initials and they are in the same condition now as they were then. I had traslations prepared in English of Exs. P. E. O./21, P. E. O./22, P. E. O./23, P. E. O./24, P. E. O./25, and they are Exs. P. E. O./21-A, P. E. O./22-A, P. E. O./23-A, P. E. O./24-A, and P. E. O./25-A. I prepared the memo, Exh. P. E. O./26, relating to the production of the above documents by Mr. Sehgal. This is signed by me and Mr. Sehgal and is correct.

On the 2nd of June, 1929, I went to Kapurthala and searched the house of Ram Saran Das (P. W. 7). The articles recovered by me during the search are detailed in the recovery list, Ex. P. E. O./28, which is signed by me and is correct. The articles in Court, Exs. P. 799. P. 800. P. 801. P. 802, P. 803, P. 804, P. 805, P. 806, P. 807, P. 808, P. 809, P. 810, and P. 811, are those which I recoversed in this search, and each of them bears my initials.

On the 10th of June, 1929, Ram Saran Das produced the pair of pyjamas, Ex. P. 812, from his house in Kapurthala, and in regard to this production I prepared the memo, Ex. P. E. O-29. It is signed by me and is correct.

Cross-examination. — Nil./ R. O. & A. C.

6th August, 1930. G.C. HILTON.

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P.W. 358.— L. Diwan Chand, Sub-Inspector, W.-32, Multan. (Concerning Calcutta) *6.8.1930*

Recovered a wooden box from Arya Samaj Mandir through Tulsi Ram (PW 397)

P.W. 359.— Hans Raj, son of L. Faqir Chand, Khatri, 25, Contractor and Ex-Sub-Inspector, Lahore. (Concerning Writings) *6.8.1930*

Formal

P.W. 360. — Bhikam Singh, son of Nihal Singh, Rajput, 35, Sabilia, Thandi Khuhi. Amritsar. (Concerning Amritsar) *6.8.1930*

Formal

P.W. 361.— Bhawani Shankar, son of Jai Narain, 31. Brahmin, Cook. Royal Hindu Hotel, Delhi. (Concerning Delhi) 6.*8.1930*

P.W. 362.— Bhim Sen, Sub-Inspector, C. 7, stationed at Nankana Sahib Police Station. (Concerning Lahore) *6.8.1930*

Recoveries of records etc.

P.W. 363. Sobha Ram, son of Thakara Ram, 26, goldsmith, Gowal Mandi, Lahore. (Concerning Lahore) *6.8.1930*

Repeated PW 58

P.W. 364. — Mr. E.J. Speake, Sub-Inspector of Police District Intelligence Staff, Bareilly, U.P. (Concerning Police) *6.8.1930*

Had arrested B.K. Sinha on 10.8.1929 at Bareilly

P.W. 365.— Ramnandan Singh, Head Constable C.I.D., Partapgarh. (Concerning Police) *6.8.1930*

Had arrested Kundan Lal on 14.11.1929 at Partap Garh

P.W. 366. — Mr. N. N. Bagchi, Inspector of Police, C. I D., Bihar and Orissa, Patna. (Concerning Betia) *11.8.1930*

Recoveries relating to the dacoity, and a pistol with cartridges.

P.W. 367.— Feroze Din, son of Muhammad Sharif. Sheikh, 42, Sub Postmaster, Paisa Akhbar, Anarkali, Lahore. (Concerning Rawalpindi) *11.8.1930*

Formal

P.W. 368.— Shiv Dayal, son of Rattan Chand, Khatri, 30, Proprietor, Imperial Trading Company, Rawalpindi. (Concerning Rawalpindi) *11.8.1930*

Formal

P.W. 369.— Mumtaz Hussain, Inspector, Police, on Special Duty, Delhi. (Concerning Police) *11.8.1930*

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Formal

P.W. 370. — Maqsud Ali Khan, Sub-Inspector Bharatna, Attawa District (Heeng Ki Mandi) (U.P.) (Concerning Agra) ***11.8.1930***

Accompanied Sukhdev in May 1929 to this house which was searched on 02.05.1929 and again on 04.05.1929.

P.W. 371. — Thakur Ram Singh. Sub-Inspector of Police, Jasrani, (Heeng Ki Mandi) District Mainpuri, U. P. (Concerning Agra) ***11.08.1930***

Searched the house on 02.05.1929. Earlier, he had been seeing ¾ young men visiting this house, whom he identified. He had stayed about 50 feet away from this house till June 1929. He had identified Bhagat Singh in Mianwali Jail

P.W. 372. — Ude Parkash, son of Pt. Devi Charan, Agnihotri, Brahmin, 22, Schoolmaster, Kotah States, on S. A..:— (Concerning Kanpur) [Sukhdev's Remark 143: Read it.]

I passed the Intermediate examination in 1927 from the Herbert College, Kotah. I then joined the D.A.V. College at Cawnpore. I occupied a room in the College Hostel.

After occupying two rooms in the hostel I changed after the Dussehra Holidays, to a room which I shared with another student named Sheo Varma. I continued in occupation of that room till April1928.

Among others Sarindra Nath Pandey and Brahm Dutt, two students in the College, used to visit Sheo Varma frequently. Their conversation usually related to methods for gaining freedom for India. Occasionally they used to ask me to go out of the room and sometimes they used to go out together themselves.

Among other books, which Sheo Varma used to read was one, in Hindi, consisting of two parts, which dealt with the lives of persons who had died for India. I forget the name of the book. Another book in English related to the revolution in Ireland. There was also one in English concerning the revolution in Russia.

Once when Sheo Varma was not in the room I saw a yellow coloured pamphlet on Sheo Varma's table. I took this up and read it. I see the pamphlet in Court, Ex. P. E. V. The pamphlet I read was similar to this one. When Sheo Varma returned he said to me "You have not" read the pamphlet, have you ?" I replied, "I have read it. Was there any harm in my doing so?" Thereupon he said, there was no harm done, but I should not mention the matter to anyone.

Sheo Varma and I appeared in the college examination in April 1928, and both of us failed. I then went home and returned in July to sit again for the examination. Sheo Varma also returned, but I cannot say whether

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he appeared in the second examination. Sheo Varma abd I occupied the same room in July. Sheo Varma informed me that he had become a Correspondent of the Associated Press. Having failed in the second examination I went home.

At the end of August, 1928, I went to Agra and joined St. John's College there. There I stayed with a friend of my father named Dr. Ajudhia Nath Bhatt. Either in september or October, 1928, one day, when returning from my college, I met Sheo Varma in Agra. *He told me that he had no fixed abode but travelled about the country as a correspondent of the Associated Press.* ***Sheo Varma asked me to keep letters for him addressed to me. Sheo Varma knew of my father's friendship with Dr. Ajudhia Nath Bhatt, and that whan I was in Agra I styed with him. I at first declined to keep any letters for him, but when he told me that he had already given my address to his friends and relatives, I agreed.*** [Sukhdev's Remark 144: Unwilling persons forced to become Post Box.] Upto December, 1928, I got about four letters addressed to Sheo Varma. The letters were addressed to me and not to my care, but as they were addressed in English I knew that they were meant for Sheo Varma as the letters meant for me were addressed in Hindi.

On one occasion Sheo Varma came to my house accompanied by a Bengalee youth and told me that if he could not come for his letters I should give them to the Bengalee. One or two of the letters were taken ny sheo Varma and one or two by the Bengalee.

I was informed that my letters were being opened in the Post Office, by a man who said he was a post official, and I, therefore, told Sheo Varma not to have his letters addressed to me as I thought that my letters were being opened on account of him. He told me that no more letters would come, and this was the case.

Between January and April 1929 I was in the Nagri Parchami Library one day at Agra when a young man came into the library who had once stayed eight or ten days at Cawnpore with Sheo Varma in the room which we shared. This young man saluted me, but at first I did not recognize him and he reminded me who he was. He and I then went out and met Sheo Varma outside the Library. It was then that I told Sheo Varma about my letters being opened in the Post Office.

On the 1st of April 1929 Sheo Varma met me in the evening and told me that he was leaving Agra and asked me to see him off at the staion and help him with his luggage. I declined. But he came again about 9 or 10 p.m. at my house and took me to a house in Nai-ki-Mandi where he was staying. I helped Sheo Varma with his luggage, and we went in a tonga to Raja-ki-Mandi Railway Station. I learnt that Sheo Varma was going towards Muttra, but as the train in that direction was very late I left him at the Railway Station and returned home.

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Sheo Varma was absent from the college at Cawnpore on two occasions for ten or fifteen days each time. During these absences Sheo Varma used to send me to do his private tuition work.

Yesterday I went to the Borstal Institution and, in the presence of a jail official, I identified Sheo Varma.

At a parade held at the Central Jail in June 1929 I identified the Bengalee who had come with Sheo Varma and to whom I gave some of Sheo Varma's letters.

At another parade held in the Lahore Fort I Identified the young man who came in to the Library at Agra. I did not see him in the Borstal Institution yesterday. After the parade I learnt that this man was a doctor, and I have now learnt that his name is Gya Parshad. I could easily identify him. He had small moustaches and no beard when saw him at Agra.

Cross-examination. — Nil./ R. O. & A. C.

12th August, 1930. G.C. HILTON.

P.W. 373.— Indar Mato, son of Jagishar Mato, Kohri, 25, Agriculturist, Beria, Champaran district. (Concerning Betia) ***12.8.1930***

Knew Manmohan Banerji. Had also seen Phonender on a particular occasion.

P.W. 374.— Manoranjan Ghosh, son of Moti Lal, Ghosh, Gop, 45, Betiah, shop-keeper. (Concerning Betia) ***12.8.1930***

Referred to Bijoy Kumar Sinha. Disliked revolutionaries. Also an arms/ ammunition dealer. Identified B.K. Sinha in Borstal Jail Lahore.

P.W. 375. — Kapil Dev Narain, son of Ambika Parshad, Kaisth, 28, shop-keeper, Bettiah. (Concerning Betia) ***12.8.1930***

Had shop opposite to that of PW 374

Repeats the same facts.

P.W. 376.— Shambhu Nath, Inspector Police, C. I. D., Cawnpore. (Concerning Kanpur) ***12.8.1930***

Recovered a letter from Post Office

P.W. 377.— Santosh Kumar Mukerji. son of Hira Lal Mukerji, Brahmin. 25, Coal Merchant, Cawnpore. on S.A. :— (Concerning Kanpur)

My father is employed as a short-hand Typist in the Muir Mills at Cawnpur. I have a branch of my coal business at Jherria. I often go to Jherria. I have known B. K. Sinha since my boyhood. We were boys together and class fellows in Cawnpore. I also know Ajoy Kumar Ghosh who lived near my house. I also know B. K. Dutt who lived in Cawnpore

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too. I also know Brahm Dutt. We were all members of the physical exercise club. B. K. Sinha told me several times that we should work for the country and improve the labour organisation. I have read a proscribed book called Jhansi-ki-Rani. This was given to me by B. K. Sinha. B. K. Sinha introduced me to some of his friends among whom were Surindra Nath Panday and Satgurdyal Avashthi. *I suspected that B. K. Sinha and his friends were concerned in some revolutionary enterprise as the Police appeared to be on their track. I assisted B.K. Sinha and his friend with very small money contribution once or twice. On one occasion I met a man named Sheo Varma at the house of B.K. Sinha at Cawnpore. I met him several times after this at different places. B.K. Sinha was known by the nick-name of Bachu.*[Sukhdev's Remark 145 He knew that (he was) a suspected one. Correspondence is watched. Yet he wrote this letter on Ajoy's address. So the letter was caught in the way by C.I.D. This practice among secret workers is not praiseworthy.

I see the photograph, Exs. P.F. D/57and.P.F.D/58 of a letter which I sent to Ajoy Kumar Ghosh. Exs.P.F.D/59 and P.F. D/60 are the photographs of the envelope in which I enclosed that letter. The English translation, Ex. P.F. D/58-A., is a correct one of the letter. The Panditji referred to in the letter is Satgurdyal Avasthi, Sheo is Sheo Varma and Sardar is Surindra Nath Pandey. In those days my movements were being watched by the Police. I did not write my name at the end of the letter owing to my movements being watched at the time. The date of the letter is the 8th February 1929.

In April 1929, when I happened to be at Jherria, B.K. Sinha accompanied by a short man aged about 30 came to me there. I subsequently identified this man and learnt that his name was P.N. Ghosh. B.K. Sinha warned me on this occasion that B.K. Dutt was about to commit some dangerous act, and I should be careful lest as his friend I should also be involved. I see the man in Court (P.N. Ghosh, approver). He was the companion of B.K. Sinha. B.K. Sinha also told me that he was going to Calcutta and that I could see him, if necessary, in College Street there. B.K. Sinha being in need of money at the time I gave him Rs. 2. B.K. Sinha and his comanion spent a few hours with me on that occasion. Some 8 or 10 days later I got disgusted with the work at Jherria and went to Calcutta. I met B.K. Sinha in Calcutta and went and stayed with him in Machhua Bazar. He had rented a house there. While in Calcutta I met a fair young man with B.K. Sinha. I spent about a week with B.K. Sinha and then, seeing in the paper that my father was advertising for me, went back to Cawnpore. It was the end of April 1929 when I was in Calcutta.

I know the handwriting of B.K. Sinha well. We were in school together for three years and we have also correspondence with each other. I have often seen him writing. I see the letters Exs. P.F. D./64, P.F. D./65, P.F.

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D./66, P.F. D./70, P.F. D./7I, P.F.D.72, P.F. D./74, P.F. D./76 and P.B.W./2. These are all in the handwriting of B.K. Sinha. The signature Birindra Nath Chatterji and the date below on Ex. P.F.D./80 are in the handwriting of B.K. Sinha. The letter, Ex. P.B.W./I, is not in the handwriting of B.K. Sinha. B.K. Sinha told me that the room, which he was occupying in Machhua Bazar, he had taken in the name of Birindra Nath Chatterji which name he had assumed owing to the Police watching his movements.

Cross-examination. — Nil./ R. O. & A. C.

12th August, 1930. G.C. HILTON.

Hearing adjourned to 10A.M. on the 13th August 1930. All the accused are remanded to custody. Excepting Bhagat Singh let all the accused be produced in Court-tomorrow.

12th August, 1930. G.C. HILTON.

P.W. 378. — Shanti Sarup, son of Hakim Rai, Hindustani, 22 years, servant of the People Society, Lahore. (Concerning Lahore) *13.8.1930*

Formal

P.W. 379. — Rai Bahadur Mr. Suraj Narain, Public Prosecutor, Delhi, on S.A.— (Concerning Delhi)

I was the Prosecutor in the Delhi Assembly Bomb Case in which the two accused, Bhagat Singh and B.K. Dutt, were convicted of an attempt to murder, under section 307, Indian Penal Code, and under the Explosive Substances Act. I appeared in that case both before the Committing Magistrate and at the trial. Part of the prosecution case was that pistol shots had been fired at the Assembly, and that one of the accused was in possession of the pistol, but the main case was that bombs had been thrown in the Assembly Chamber. ***Before the committal proceedings began, I received instructions from Mr. Jeffreys, Senior Superintendent of Police, Delhi, that the pistol alleged to be in the hand of one of, the accused should not be produced and exhibited, if possible, unless I considered it absolutely necessary for the purpose of my case. I was given to understand that the Punjab Government wish to send the pistol to Europe in connection with this case, and that it would hamper the proceedings in this case if the pistol were produced and exhibited in the Assembly Bomb Case.*** **In my view the production and exhibiting pistol in the Court was necessary for the purpose of the Assembly Bomb Case.** [Sukhdev's Remark 147: Important.] At the same time, I asked Mr. Jeifreys to arrange that if the defence counsel wished to see the pistol and cross-examine in regard to it, it should be available in Court for that purpose if possible. During the trial I was given to understand that the pistol was available in

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Court for this purpose, and I made a statement to that effect on the 4th July 1929, which is duly recorded at page 66 of the Sessions Judge's English record.

The Statement made by me was as follows:-

"The Public Prosecutor states that the automatic pistol magazine and the cartridges are available but have not been produced as being unnecessary."

The evidence of Sergeant Terry, P.W. 11, on the Assembly Bomb Case showed that a pistol had been found on one of the accused. This witness pointed to the accused Bhagat Singh as the person who had a pistol in his hand. ***I never saw the pistol at any time.***

Cross-examination. — Nil./ R. O. & A. C.

13th August, 1930. G.C. HILTON.

SURAJ NARAIN.

Captain, M.D., Civil Surgeon.

P.W. 380.—Captain F.W. Holmes, M.D. Civil Surgeon, Saharanpur. (Concerning Saharanpur) ***13.8.1930***

Obtained nail scratchings of Shiv Verma & Jaidev Kapoor, which were yellow coloured, for chemical examination.

P.W. 381. — Jamil Ahmad, son of Habib Ahmad, Sheikh, 40 years Draftsman, P.W.D., New Delhi. (Concerning Delhi) ***13.8.1930***

Prepared the site plan of the Assembly Chamber. Ex: P.E.X.

I prepared the plan, Ex. P.E.X., of the Assembly Chamber, Delhi. The scale is four feet to the inch. The plan is correct. The point marked "P" is a pillar and on it was a mark which appeared to be a bullet mark. I saw the mark myself. The mark was five feet above the floor level. *[Sukhdev's Remark 148: Very Important.]*

Cross-examination. — Nil./ R. O. & A. C.

13th August, 1930. G.C. HILTON.

Cross-examination. — Nil./ R. O. & A. C.

13th August, 1930. G.C. HILTON.

P.W. 382. — Ram Murti, son of Brij Lal, Brahmin 26/27 years, cook, D.A.V. College, Lahore. (Concerning Lahore) ***13.8.1930***

Formal

P.W. 383. — Kaildas Ghosh, son of Jadunath Ghosh, 31 years,

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Kaisth, Salesman, Messrs, Champat Lal & Co. Chemists and Druggists, Calcutta. (Concerning Bombs) ***13.8.1930***

Sold carbolic acid on 4.2.1929.

P.W. 384 — Nagendra Nath Bose, son of Banka Bihari Bose, 32, Kaisth, Accountant of the Calcutta Chemical Company, 35//1 Panditya Road, Balli Gunje, Calcutta. (Concerning Bombs) ***13.8.1930***

Produced a cash memo.

P.W. 385 — Jatindra Nath Nag, son of Surindro Nath Nag, 38, Gandha Banik, Manager of Nobin Pharmacy, 81, Harrison Road, Calcutta. (Concerning Bombs) ***13.8.1930***

Produced cash memo dated 5.2.1929.

P.W. 386 — Bebhas Chandra Gupta, son of Kailash Chandra Gupta, 32 years, Vaidya, Salesman Nobin Pharmacy, 81, Harrison Road, Calcutta. (Concerning Bombs) ***13.8.1930***

Produced cash memo dated 4.2.1929.

P.W. 387— Kshitish Chandra Das, son of Goshto Behari Das, 31, Vaishnu, Salesman of the Calcutta Chemical Company, No. 5, Bondfield Lane Calcutta. (Concerning Bombs) ***13.8.1930***

Sold Ammonium Carbonate on 12.2.1929.

P.W. 388— Sarath Kumar Chakraburti, son of Akhil Chandar Chakraburti, 26, Brahmin, Salesman of Messrs. Pal and Co.3, College Square, Calcutta. (Concerning Bombs) ***13.8.1930***

Sold a pair of gloves on 6.2.1929.

P.W. 389— Bijoy Chandra Gautam, son of Gopal Chandar Gautam, 30 years, Brahmin, Clerk, Messrs. BK. Pal and Company, 1 and 3, Bondfield Lane, Calcutta. (Concerning Bombs) ***13.8.1930***

Sold 110^0 C thermometer and glass tubes on 7.2.1929.

P.W. 390— Satyu Charan Ghosh, son of Kailash Chandra Ghosh, 58, caste Gove, landholder, 25. Anand Palath Road, Calcutta. (Concerning Calcutta) ***13.8.1930***

Had arranged accommodation for 20/25 persons from Betia during Congress Session of 1928.

P.W. 391— Balai Lall Ghosh, son of Hari Mohan Ghosh, 28, Gop, Clerk, Dharmtola, Post Officer, Calcutta. (Concerning Calcutta) ***13.8.1930***

Repeats PW 390. Bhagat Singh had visited his house with Phoneder in Dec. 1928.

P.W. 392— Chandra Sheker Ghose, son of Manmato Nath Ghosh, 13 years, Gop, 29/2, Anand Pall Road, Calcutta. (Concerning Calcutta) ***13.8.1930***

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Had seen Bhagat Singh with Phonender Ghosh.

P.W. 393— Mani Bhushan Bhattacharji, son of Tripodu Nath Bhattacharji, 22, Brahmin, Student, Presidency College, Calcutta. (Concerning Betia) *13.8.1930*

Knew Kanwal Nath Tewari when his father was posted at Betia; met him at Calcutta in 1927/1928. Knew Phonender and Manmohan Banmerji also.

P.W. 394.— Mr. T.P. Bhattacharya, Registrar Court, and Presidency Magistrate, Calcutta, on SA. : —(Concerning Calcutta)

On the 2nd of July 1929 in pursuance of the orders of the Chief Presidency Magistrate I accompanied P.N. Ghosh, whom I see and identify in Court and who pointed out certain places to me. P.N. Ghosh first took me to Bondfield's lane and pointed out No. 5, the premises of the Calcutta Chemical Company, as being the shop from which he purchased certain chemicals on two consecutive days in February 1929.

He also identified one of the assistants in the shop named Nepal Chandar Sarkar as the man who had sold him the articles mentioned.

From there he took me to the main shop of Messrs. B.K. Paul and Company in the same lane and stated that from there he had purchased two tolas of mercury on one of those two days. He also showed me Mr. Paul's laboratory at No.22 Bondfield's lane from which place P.N. Ghosh stated he had purchased a measure glass and a big centigrade thermometer. From the laboratory he took me to a chemists and druggists shop at No. 33, Clive Street,- shop of Messrs. Champat Lal and Brothers- and stated that he had purchased two pounds of carbolic acid and one pound of sulphate of ammonia on one day at the beginning of February 1929. There he identified Kali Das Ghosh, an assistant in the shop (P.W.383), and the assistant identified him. From there P.N. Ghosh took me to 23 Machhua Bazaar and showed me room No. 42 where he said Bijoy and Santosh used to live, and he (P.N. Ghosh) and Kanwal used to meet them. He also pointed out No. 97 in the same street where he said he was introduced to one Kali Das Bose by one Binoy Roy, Chaudhri and where he took his meals on day of his arrest. He also showed me No. 7, Marcus Square, on the north side of the Park where he said he lived with Brahm Dutt, Tandan, for about a week under an assumed name after the search of the house of his maternal uncle.

P.N. Ghosh then took me to 3, College Square East, and pointed out a chemist's shop belonging to Pal and Company. The shop is named Orthopedic Stores. P.N. Ghosh stated that at this shop he had purchased two pairs of rubber gloves. He showed me another shop known as Nobin Pharmacy at the junction of College Street and Harrison Road from which place he stated he had purchased another pair of rubber gloves and a

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measuring glass. From this point he took me northwards to Cornwallis Street where I was shown the Arya Smaj at No. 19 in which building he said he used to meet Kanwal and where he, Bhagat Singh, Jotin Kanwal used to prepare gun cotton. He also pointed out the room at the top of the building in which he said gun cotton had been prepared.

P.N. Ghosh then showed me No. 20, the next building to which in a room upstairs Kanwal had shifted on vacating the Arya Smaj. Opposite these two buildings I was shown a hotel at No. 209, Cornwallis Road, where he stated Kanwal, Bijoy and he used to take their meals.

Last of all he took me to a Park on the north side of Kapila Tola Lane. He stated that in this park he met Jotindro Das and Bhagat Singh and held consultations for the preparation of bombs at Agra and gun cotton at Calcutta.

Later in the evening on the same day P.N. Ghosh took me to the Parallel Road and showed me a tin-shed on top of which was a board on which was written Bengal Motor Works. Here he stated he had been taken by Binoy and had stayed with the proprietor for two days. Further south I was taken to Shabnagar where on the west side of that road I was shown Binoy's house 29/1/1 Sri Mohan Lane. We returned round and came to Indro Rai Road, where P.N. Ghosh showed me a small house, a library, bearing No. 5 on this road.

He then took me to No. 43 Kansaribara Road and pointed Out a two-storeyed building where he said he had been kept by Binoy for four days with a friend of Binoy working in the General Post Office as a clerk.

I drew up the memo. Ex. P.H.Y. from notes made by me at the various places. It is signed by me and is correct.

On the 5th July 1929, in accordance with the orders of the Chief Presidency Magistrate, I accompanied a man named Manmohan Bannerjee alias Manohar.

I see the man in Court (M.M. Bannerjee, approver), and cannot say exactly whether he is the same man.

He took me to the Maidan and pointed out a spot 20 or 25 feet west of the Cenotaph, and stated that there he, Bijoy Singh, Kanwal Tewari and Phani Ghosh had held a meeting for the purpose of raising funds to help Bijoy Singh to go to Bettiah. From here Mr. M.M. Bannerjee took me to 21, College Street- a Mess- where he said Kanwal had introduced him to Mani Bhushan Bannerjee, a friend of Kanwal's and, with whom he passed a night in Mani Bhushan's room.

I drew up the memo, Ex. P.H.Z., from notes made by me at the time. It is signed by me and is coorect.

Cross-examination —Nil. / R.O.& A.C

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T.P. BHATFACHARYA.

13th August, 1930. G.C. HILTON.

P.W. 395. — Omkar Das, son of Sanwle Das, 45, Brahmin, Caretaker, Marwari Hospital, Calcutta. (Concerning Calcutta) ***13.8.1930***

Used to see many persons in Room No. 42. Had identified some of them before Magistrate at Lahore including Kanwal Nath Tewari.

P.W. 396. — Ramesh Chandar, Chowdhary, son of Ambika Nath, Chowdhry Brahmin, 38 years, Manager, Vidya Sagar College Hostel, Calcutta. (Concerning Calcutta) ***14.8.1930***

Kanwal Nath Tewari dined on 6,7,10, 15 September 1928; also on 14-27 Nov., 1928, sometimes with guests; 7-21 December 1928 with 14 guests; and 6, 7, 11, 14, 16, 23, 26, 27, 29 January 1929.

P.W. 397. — Tulsi Ram, son of Bhaju Ram, Vaish, 27 years, 19, Cornwallis Street, Calcutta. (Concerning Calcutta) ***14.8.1930***

Kanwal Nath Tewari stayed for about 2 years at Arya samaj Mandir when he was a student of Vidya Sagar College. Phoneder, and Bhagat Singh visited him. He was asked to purchase ice-during winter. Kanwal Nath Tewari left in April 1929. He left behind a wooden box, which was later recovered by police in July 1929.

P.W. 398. — Badri Singh, son of Jai Pal Singh, Thakur, 33, Motor Driver, Dum-Dum (Calcutta). (Concerning Calcutta) ***14.8.1930***

Relating to house No. 23 in Machhwa Bazar.

P.W. 399. — Nand Kumar Tewari, son of Pt. Har Parshad Tewari, Brahmin, 40, Professor, Benares University. (Concerning Police) ***14.8.1930***

Irrelevant

P.W. 400. — Muzaffar Hassan, Inspector of Police, Sultanpur, U.P. (Concerning Police) ***14.8.1930***

Irrelevant

14th August, 1930. G.C. HILTON.

P.W. 401.—Dil Mohammad, son of Chanan Din, Jat, 55, Chamrupur (District Lahore), Lambardar. (Concerning Lahore) ***14.8.1930***

Formal

P.W. 402. — Muhammad Sultan Mahmud, son of Mian Fazal Din, Jat, 33, Municipal Commissioner Lahore. (Concerning Lahore) ***14.8.1930***

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Formal

P.W. 403. — Rahmat Ullah, son of Muhammad Ali, 35, Ticket Collector, Jhansi Station. (Concerning Jhansi) ***14.8.1930***

Collected a third class ticket from Agra to Jhansi on 5.3.1929

P.W. 404.— Badri Parshad, son of Jowala Parshad, Kaisth, 27, Booking Clerk, Raja-ki-Mandi, Agra. (Concerning Agra) ***14.8.1930***

Booked two parcels for New Delhi on 02.04.1929 in the name of Har Narain (Shiv Verma) along with ticket.

P.W. 405. — Rai Sahib Pandit, Sri Krishan, Magistrate, 1st Class, on leave. ***14.08.1930***

I was appointed Special Magistrate for the enquiry into this case. The enquiry commenced on the 10th of July, 1929. On the 25th of July proceedings were suspended on account of hunger-strike among the accused. On the 12th September, 1929, when the proceedings were still suspended B.K. Sinha, an accused was produced before me. Proceedings were resumed on the 24th of September. During the above period one of the accused, J.N. Das, died. The accused Shivram Rajguru was first brought to Court on the 17th of October, 1929. On the 9th of November, 1929, this accused first asked for an interpreter. Kundan Lal, accused, was produced before me for the first time on the 29th of November, 1929. On the 6th of February 1930, the accused again refused to attend Court on the 17th of October, 1929. on the 9th of November, 1929, this accused first asked for an interpreter. Kundan Lal accused, was produced before me for first time on the 29th of November, 1929. On the 6th of February 1930, the accused again refused to attend Court and on the 8th I adjourned the hearing to the 22nd of February. I then adjourned the case to the 8th of March, 1930, owing to the incapacity of three of the accused to attend court on account of hunger strike. The proceeding were resumed from the 8th of March and continued till the withdrawal of the case from my Court under the Ordinance.

After taking evidence in connection with the request of Shivram Rajguru for the appointment of an Interpreter I decided that one was not necessary. When Shivram Rajguru was first brought before me probably on the 15th of October 1929 for a remand he objected to being remanded to Police custody and asked that he should be committed to jail. He spoke to me in Urdu. I addressed him as follows in Urdu: -

"Your name is Rajguru, but you are accused on a strange charge."

He replied, " Yes, my name is Rajguru, and it is my business to teach the rulers."

On the 9th of November, 1929, Rajguru made a verbal request in Urdu for an adjournment of the proceedings in order to make an application for transfer to the High Court.

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On every occasion that the accused were brought to Court they gave utterance to revolutionary cries and sang revolutionary songs. While being brought to Court they also used to utter these revolutionary cries.

Jai Gopal, approver, had hardly commenced to give his evidence when the accused uttered cries of "Shame Shame" and Prem Dutt, accused, took off his shoe and threw it at Jai Gopal. A disturbance followed and the accused assumed a threatening endangering the life of the approver, and I had to adjourn the proceeding and direct that the accused be removed to the jail.

On the 19th of October, 1929, the accused came into Court wearing red scarves round their necks which they said were being worn in commemoration of the Kakori day.

On the 17th of October, 1929, when Shivram Rajguru, accused, was brought to Court for the first time the accused stood up and greeted him and he returned their greetings.

When Kundan Lal, accused, was first brought into Court on the 29th of November, 1929, the other accused raised revolutionary cries and Kundan Lal in his turn called out "Up up with; revolution, long live Lalaji; long live Kakori martyrs; long live Jatin Das."

When it was necessary for a witness to identify any of the accused I usually went up to the edge of the dock the rail of which was the same as the rail of my dais and watched the witness during the process of identification. As the process of identification was going on I dictated my note of the result to the Stenographer. The Reader at the same time noted down when I said in Vernacular. If I was in doubt as to the name of a particular accused, identified by the witness I immediately asked the accused his name but I knew the names of most of them. The counsel for the defence always checked their identifications. According to the English record of the evidence of Anwar-ul-Haq (P.W. 63) before me Jai Dev Kapur was the third man identified by him and the name of this accused was by an oversight omitted from the Vernacular record. The note made by me in the evidence of each witness as to his identification, by one or more accused was correctly made at the time and all these notes were read out as part of the evidence of the witness.

By Court:- I rejected Shivram Rajguru's request on the 9th November, 1929, for an adjournment, although I was aware of the provisions of clause 8 of section 526 of the Code of Criminal Procedure as I considered that the provisions of that section had been sufficiently complied with by me on previous occasions. Between the 17th October and 9th of November, 1929, I granted no adjournment under section 526, Criminal Procedure Code.

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Cross-examination—Nil. / R.O.& A.C

14th August, 1930. G.C. HILTON.

At this stage the prosecutor puts in Government notification No. 307, dated Bareilly, the 6th April I920, published in Part VI of the U.P. Criminal Intelligence Gazette of the 17th April, 1920, regarding the loss of a R.I.C. Revolver No. 98082, together with a copy of the said notification which has been marked Ex. P.J.D.

We take judicial notice of this and place the copy of the notification on the record.

14th August, 1930. G.C. HILTON/ ABDUL QADIR/ J.K. TAPP.

Hearing adjourned to 10 A.M. on the 15th August, 1930. The accused are remanded to custody. Excepting Bhagat Singh let all accused be produced in Court tomorrow.

14th August, 1930. G.C. HILTON.

15th August, 1930.

PRESENT :

1. Mr. C.H. Carden Noad, Government Advocate, Prosecutor; for the Crown.
2. K.S. Kalandar Ali Khan, Government Pleader and Public Prosecutor.; for the Crown.
3. Mr. Gopal Lal, Government Pleader and Public Prosecutor; for the Crown.
4. Bakhshi Dina Nath, Prosecuting Inspector of Police; for the Crown.

Counsel for the accused. — *Nemo.*

All the fifteen accused are absent.

Hearing resumed.

1st August, 1930 G.C. HILTON.

C.W.1. — Bakhshi Lal Chand, Assistant Jailor, Borstal Institution, Lahore, on S.A. :-

All the fourteen accused in the Borstal Institution were brought to the main gate to be handed over to the Police. They resisted being handcuffed and when the police officer placed his hand on each in order to bring them to Court, they refused to move.

R.O.& A.C

15th August, 1930. G.C. HILTON.

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ORDER :

We are satisfied from the evidence of Bakhshi Lal Chand that all the accused noted below have to-day resisted their production in Court and have also by refusing to come to Court wilfully conducted themselves to the serious prejudice of the trial. Under section 9 of the Ordinance we accordingly dispense with the attendance of the fourteen accused named below until 10 A.M. to-morrow, the 16th of August, 1930

1. Sukh Dev.
2. Bijoy Kumar Sinha.
3. Prem Dutt
4. Kishori Lal
5. Des Raj
6. Kundan Lal
7. Jai Dev
8. Gya Parshad
9. Sheo Varma
10. Mahabir Singh
11. Ajoya Kumar Ghosh
12. Jatin Sanyal
13. Kanwal Nath Trivedi, and
14. Shivram Rajguru

15th August, 1930. G.C. HILTON/ ABDUL QADIR/ J.K. TAPP.

P.W. 406. — Pt. Thakur Das, Assistant Sub-Inspector of Police, Special Staff, C.I.D., Lahore. (Concerning Rawalpindi) ***15.08.1930***

Formal

P.W. 407. - Maharaj Sarup, son of Bhagwan Sahai, 19, Kaisth, Teacher, Sanatan Dharm School, Ferozepore City. (Concerning Ferozepur) *15.08.1930*

Sometimes got medicine from Dr Nigham.

P.W. 408. — Ram Saran Das, son of Haria Mal, Arora, 46, business, Ferozepore. (Concerning Ferozepur) ***15.08.1930***

"Doctor" stayed for ¾ days. Later he used to dine in his hotel.

P.W. 409. — Harnam Das, son of Ch. Gobind Das Suneja, 34, M. Sc., Managing Proprietor, Educational Stores, Changar Mohalla, Lahore. (Concerning Bombs) ***15.08.1930***

Sold Acids etc. on 28.3.1929.

P.W. 410. — Nathu Ram, son of Chajju Ram, Brahmin, 27/28, cook, Gurudutt Bhawan, Lahore, on S.A.: —(Concerning Lahore)

I have been working in the Gurudutt Bhawan for the last three years.

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Prem Dutt, a student, used to live in the Gurudutt Bhawan and have his meals in my kitchen.

I see the Kitchen Attendance Register, which contains an entry, Exh. P.E.C./5, showing that Prem Dutt had his meals in his kitchen from the 10th January to the 28th January, 1929. This register has been kept by me. I can read and write Urdu.

When I gave my evidence before the Special Magistrate, I identified Prem Dutt from among the accused in the dock.

(Note: - The witness is recorded by the Special Magistrate as having identified Prem Dutt).

(The Prosecutor asks that the statement of this witness recorded by the Special Magistrate be treated as evidence in the present case and transferred to this record under the provisions of section 288, Cr.P.Code. Orders will be passed in due course.)

Cross-examination—Nil. / R.O.& A.C

15th August, 1930. G.C. HILTON.

P.W. 411 —Sayed Ahmad Shah, Deputy Superintendent of Police, C.I.D. Special Staff, Lahore, on S.A.: —(Concerning Police)

I have been on the Special Staff of the C.I.D. in connection with the second Dussehra bomb case since October, 1928. I took part in the investigation of this case. I received the photograph of the *cipher letter, Ex. P.F. 10, from Khan Sahib Niaz Ahmad Khan (P.W.23). I obtained the key, Ex.P.F.10-A, and with the help of this key decoded the letter Ex. P.F. 10. Ex.P.F. 10–B, is a decoded copy of this letter.*

On the 9th or 10th of April, 1929, Nur Shah Constable (P.W.I32), showed me some rooms in Kashmir Building. I saw some yellow coloured substance in the parnala from these rooms. I placed a watch on this house. I also noticed that the outer door of these rooms was kept closed from inside.

On the 15th of April, 1929,1 received a telephonic message from Khan Sahib Niaz Ahmad Khan directing me to be at Kashmir Building with as many men as possible and as soon as possible. I went there with Sub-Inspector Shahab-ud-Din (P.W.32) and Nanak Chand and some constables. I found Khan Bahadur Sheikh Abdul Aziz and Khan Sahib Niaz Ahmad Khan there. Khan Bahadur Syed Budhe Shah (P.W.321), Honorary Magistrate, Amritsar who was passing by at the time, the owner of the house, Bashir Bakhsh (P.W.99), and a fuel-seller, Malik Muhammad Ishaq (P.W.333), were also called. Kashmir Building was surrounded and we entered No. 6 the outer door of which was open. We found three young men in the inner room. These three young men gave their names as **Sukh Dev, Jai Gopal and Kishori Lal. When *I went towards Sukh Dew with the object of searching him he took a revolver out of his***

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inner pocket. I caught hold of his hand, took away the revolver and handed it over Khan Sahib Niaz Ahmad Khan. Sukh Dev, **Jai Gopal and Kishori Lal were arrested and the rooms were searched.** [Sukhdev's Remark 151: Compare with Sr. No. 78.] I identify the revolver Exh P.122, as that one. The tin box Exh.P.13 containing 18 cartridges was also found in the pocket of Sukh Dev.

A live bomb was found in the tin box, Exh. P.2, with four note books. One oval empty bomb shell and seven round bomb shells were found in an almirah. Exhs. P/4 to P/11 are those empty bomb shells. The recovery list, Exh. P.C., was prepared at the time. It is signed by me and is correct. Exhs. P.E./3, P.E./4 and P.E/5 are the recovery lists of the articles found on the search of the persons of Sukh Dev, Jai Gopal and Kishori Lal. Those articles which had been found in the rooms and had to be sent to the Chemical Examiner for analysis were made into 20 parcels and duly sealed. I delivered these intact to the Chemical Examiner. I brought back 19 out of the 20 parcels and four more which contained articles taken away by the Chemical Examiner himself, after the contents of these parcels had been examined by him.

On the 16th April, 1929, I took possession of the documents Exhs. P.E., P.E./1, and P.E./2 from Bashir Bakhsh (P.W.99). I prepared the recovery memorandum, Exh.P.E./6 which is in my handwriting, signed by me and is correct.

On the 24th April, 1929, Kishori Lal, accused, pointed out a building known as Uttam Niwas near Mewa Mandi, Gowalmandi. The memo, Exh. P.J.E., was prepared at the time. It is signed by me and is correct.

On the 1st of May, 1929, Kishori Lal pointed out a house in Kucha Patwarian, Ferozepore City. Exh. P.C.M. is the memo, prepared at the time. It is in my handwriting, signed by me and is correct.

On the same date I obtained possession of the document, Exh.P.C.Y, from Mukand Lal (P.W. 299) and prepared the memo., Exh. P.C.Y./I, which is in my handwriting, signed by me and is correct.

On the 2nd May, 1929, Kishori Lal pointed out a house in Sitaram Bazar at Delhi. Mr. Jeffreys, Senior Superintendent Police of Delhi was present at the time. This was within an hour or so of my arrival in Delhi with Kishori Lal.

On the 9th May, 1929, Kishori Lal pointed out No. 96 in the Arain Building, Mozang. He also pointed out certain places on the walls of No. 96 where I saw certain marks. I had a photograph taken of these marks and from two places I removed two slugs. In this connection the memorandum, Exh. P.B.M., was prepared. It is signed by me and is correct. Exh. P. 863 are the two slugs in question.

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I obtained possession of the copy book, Exh. P.A.V., from Hussain Bakhsh Chaukidar, on the 9th of May, 1929, and in this connection the memorandum, Exh. P.A.V/1 was prepared. It is signed by me and is correct.

On 1st May, 1929, I obtained possession of the note book, Ex. P.J.F. from Basahu Ram of Ferozepore City. I prepared the memo., Ex. P.J.F./I. at the time which is in my handwriting, signed by me and is correct.

When Kishori Lal pointed out the house in Kucha Patwarain, Roshan Lal was present. The key, Ex. P.16, was one of the articles found in the rooms of the Kashmir Building and I made this into a sealed packet and made it over to Kanshi Ram, Sub-Inspector (P.W.59).

On 6th June, 1929, I obtained a specimen of the handwriting of Sheo Varma, accused, Ex. P.H.T.

On the 2nd July, 1929, I took possession of the Cash Memo. Book Ex. P.H.U., and signed recovery memo., Ex P.H.U/2 which is correct.

On the 3rd July, 1929, I took possession of the cash memo. Book, Ex. P.H.V., and prepared the recovery memo., Ex. P.H.V/5, which is in my hand writing, signed by me and is correct.

On the 4th July I took possession of the cash Memo Book, Ex. P.H.X., and prepared the Memo, Ex. P.H.K/2.

On the same date I took possession of the cash memo. Book, Ex. P.H.W., and signed the Memo, Ex P.H.W./2, which is correct.

(The examination-in-chief of this witness to be continued tomorrow.)

15th August, 1930. G.C. HILTON.

Hearing adjourned to 10 A.M., the 16th August, 1930. The accused are remanded to custody. Excepting Bhagat Singh let all the accused be produced in Court to-morrow.

15th August, 1930. G.C. HILTON.

Syed Ahmad Shah, Deputy Superintendent of Police, (P.W. 411) continues on S.A.: -

On the 7th July, 1929, I went to Agra, and from the Dharamsala Marwarian I obtained the register, Ex. P.C.O., which contains the entry. Ex. P.C.O./I. This entry is in the same condition now as it was then. I prepared the recovery memorandum, Ex. P.C.O./4, at the time, it is in my handwriting, signed by me and is correct.

On the 4th July, 1929, I obtained the rent deed, Ex. P.F.D.-80, from

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Kidar Nath, Bijoria. I prepared the recovery memorandum, Ex. P.F.D.-80A, at the time. It is in my handwriting, signed by me and is correct.

On some date between the 8th and 12th of July, 1929,1 obtained the file D.L.-67 of 1928 from the office of the Superintendent of Police, Jhansi, relating to the driving license of one Han Shankar, son of Sita Ram (file marked Ex. P.J.G.).

On the 31st July, 1929,1 went to the house of Ram Dulare (P.W. 288) at Jhansi, and he then produced the articles entered in the list, Ex. P.H.E., which I prepared at the time. It is in my handwriting, signed by me and is correct. Ram Dulare went with me to Jhansi from Lahore.

Some females of his family were in occupation of the house. The house in question is situated in Mohalla Kachi Nijai. The articles in Court, Exs.P.513 to 516, 529 to 538 and 487 are those produced before me by Ram Dulare.

On the 21st August, 1929, I obtained the register, Ex. P.J.H., from Ahmad Subhan, son of Muhammad Sadiq, tailor of the Chanar Bagh, Srinagar, I signed the entry, Ex. P.J.H.-1. In this connection I prepared the recovery memorandum, Ex. P.J.H.-2, at the time. It is in my handwriting, signed by me and is correct.

On the 12th July, 1929, I obtained the Risk Note Form A, Ex. P.G.X./2, from Mirza Asghar Hussain, Head Parcel Clerk, at Jhansi Station, with the memorandum, Ex. P.G.X.-3.

I then obtained the Admission Form, Ex. P.G.X.-4 from the Allahabad University. It purports to be an application for admission to the Intermediate Examination 1929, by one *Sada Shiv,* son of Raghunath. These two documents, *Exs. P.G.X/2* and P.G.X.*/4*, were sent to the Government Examiner of Questioned Documents.

I then went to Poona, and on the 30th September, 1929, I arrested the accused Shivram Rajguru when he and another man were asleep on the floor of a house. Near Shivram Rajguru was a tin box which contained a revolver and 14 cartridges. The revolver in Court, Ex. P-75, and the cartridges, Ex. P-876, are the same. In this connection the recovery memo., Ex. P.J.J. was prepared in Marhatti and I signed it. The other man in the house was also arrested and brought to Lahore, but as no one could identify him he was sent back to Poona. Inspector Mills of the Poona Police was present with me at the time of the arrest of Shivram Rajguru and the other man. After the arrest of Shivram Rajguru I searched the house of Dinkar Hari Rajguru, and among the papers found in that house was the acknowledgement, Ex. P.J.K., for a registered letter purporting to be addressed to Shivram Rajguru, I searched the house of Dinkar Hari Rajguru, and among the papers found in that house was the acknowledgement, Ex. P.J.K., for a registered letter purporting to be

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addressed to Shivram Hari Rajguru, Patnitola, House No. 5 Benares City. The recovery memo, Ex. P.J.K.1, was prepared at the time and is signed by me.

On the 30th September, 1929, in company with Mr. Mills and other Police officers of Poona, I searched the house of Dattatraya Balwant Karendikar at No. 170, Shukarpet, Poona City. Among other things recovered in this search were a revolver and fifteen loaded cartridges. The recovery memo, Ex. P.J.L., was prepared in Marhatti and is duly signed by me.

During the journey from Poona to Lahore Shivram Rajguru conversed with me in Urdu.

On the 12th July, 1929. I examined the register Ex. P.J.B., at the Jhansi Railway Station and signed the entry, Ex. P.J.B.1. The entry is in the same condition now as it was then.

Cross-examination—Nil. / R.O.& A.C

16h August, 1930. G.C. HILTON.

P.W. 412. — C.G. Foreman, Headquarters Inspector of Police, Poona. (Concerning Police) 16.8.1930

I relevant.

P.W. 413. — E. Mills, Inspector of Police, Incharge City Police Station, Poona. (Concerning Police) *16.8.1930*

Had arrested Rajguru on 30.9.1929 at Tilak Road, Poona, along with a pistol and 14 cartridges

P.W. 414. — Mr. Mulk Raj, Revenue Assistant and Magistrate, 1st Class, Hoshiarpur. (Concerning Identification) *16.8.1930*

P.W. 415. — Jawant Rai Tukaram Sawant, Marhatta, 44 years, Sada Shiv Pet, Poona. (Concerning Police) *16.8.1930*

Recoveries from Rajguru at the time of his arrest

P.W. 416. — Dattatraya Balwant Karendikar, 29 years, now prisoner in Yeravada Jail. (Concerning Police) *16.8.1930*

A friend of Rajguru; witness of recoveries at the time of Rajguru's arrest.

P.W. 417. — Ganpat, son of Ram Parshad, Gharukh 45, private servant of Pt. Balak Ram, Gowal Mandi, Lahore. (Concerning Lahore) *16.8.1930*

Formal

P.W. 418. — Abdul Ghafur, Head Constable, of Police, No. 26, Thana Indargarh, District Farrukhabad, U.P., on S.A. : —(Concerning Yogesh)

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Report No. 26, dated the 2nd May 1928, Ex. P.J.R., was recorded at the Fattehgarh Kotwali at my instance. The report bears my signature. The report related to the bringing of a case against J.C. Chatterji, Ram Dulare,Ganga Parshad and two persons unknown under sections 224/511/109, I.P.C. The first information report has been destroyed in the ordinary course.

Cross-examination—Nil. / R.O.& A.C

16h August, 1930. G.C. HILTON.

P.W. 419. — Shakur Beg, Head Constable, No. 15, Dehra Dun, on S.A.:— (Concerning Yogesh)

The report, Ex. P.J.R., is in my handwriting. I was then posted at the Fattehgarh Kotwali.

Cross-examination—Nil. / R.O.& A.C

16h August, 1930. G.C. HILTON.

P.W. 420 — Bara Singh, son of Kaku Singh, Jat, 36, of Badle, Warder, Patiala Jails. (Concerning Delhi) *16.8.1930*

Had seen 15-16 youngmen sitting on the grass 2 years ago. He asked them, as to what they were doing at about 6 p.m. He was told they were school students preparing for examinations.

Recalled on 18.8.1930.

Had identified some of them.

P.W. 421.— Ahmad Yar Khan, Sub-Inspector of Police, No. 31-W., Rawalpindi. (Concerning Police) ***16.8.1930***

Had arrested Mahavir Singh on 19.6.1929 at Etah

P.W. 422. — Mata Parshad, son of Bachu Lal, Kaisth, 45 years, Head Constable, Railway Police, Muharrir, Cawnpur Central Station, on S.A.: —(Concerning Yogesh)

I recorded a report on the 17th of February, 1929 regarding the arrival of Jogesh Chandar Chatterjee at Cawnpore. I have not brought the original.

Cross-examination—Nil. / R.O.& A.C

16h August, 1930. G.C. HILTON.

Hearing adjourned to 10 A.M. Monday, the 18th August, 1930. The accused are remanded to custody. All the accused to be produced on that date.

16th August, 1930. G.C. HILTON.

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P.W. 423. — Mr. R. Stott, Government Examiner of Questioned Documents, Simla. (Concerning Police) ***18.8.1930***

Had given a detailed findings regarding identities of specimen handwritings of particular persons with regard to disputed or controversial writings like posters etc.

P.W. 424. — Amulya Ratna Mittra, B.Sc., son of R.G. Mittra, Kaisth, 25, of Bulandsahar. (Concerning Police) ***18.8.1930***

Formal

P.W. 425. — Stephen Karam Singh, Superintendent, Inspector-General of Police Office, Lahore. (Concerning Delhi) ***19.8.1930***

Formal

P.W. 426. — R.C. Jeffreys, Senior Superintendent of Police, Delhi. (Concerning Delhi) ***19.8.1930***

Inspected the house in Bazar Sita Ram at the instance of Kishori Lal.

P.W. 427. — Raja Ram, son of Pandit Ghana Ram, Brahmin, 24 years, Assistant Librarian, Dwarka Das Library, Lahore, at present prisoner in Special Jail, Gujrat on S.A.: —(Concerning Lahore)

In April, 1929, I was the Assistant Librarian of the English Section of the Dwarka Das Library situated in Court Street, Lahore. The book "Administration of Ireland", Ex. P-24, now shown to me belongs to the Dwarka Das Library. The Library number of the book is 7460. It is entered in the Library register on page 84 (entry marked Ex. P.K.2). The book was taken Out on the 15th of April, 1929, by Sukhdev, an accused in this case, in the name of Bhagwati Charan, who was a member of the Library. The receipt, Exh. P.K. 1, was signed by Sukhdev in my presence. I issued the book to Sukhdev on the instructions of Bhagwati Charan who told me that if anyone asked for a book in his name, I was to issue it. I made over the register containing the entry, Exh. P.K. 2, and the receipt, Ex. P.K.1, to the police on their request.

I went to the Borstal Institution today, and from among 18 or 20 persons in a barrack I identified Sukhdev in the presence of the Superintendent.

Cross-examination—Nil. / R.O. & A.C.

19th August, 1930. G.C. HILTON.

P.W. 428. — R. Saigal, son of Rajinder Singh, Indian, 34, Editor and Proprietor of the Chand Magazine, Allahabad, on S.A.:— (Concerning Writings)

I am the Editor and Proprietor of the "Chand" Magazine and brought out a number known as the "Phansi" number of that Magazine in probably

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November, 1928. This particular number was edited by Chatar Sen, Shastri, of Delhi (P.W. 350). The number was brought out at his suggestion, and he arranged for most of the blocks and contributions. The Cash Book Ex. P.E. 0./1, contains the account relating to the "Phansi" number of the "Chand" Magazine. On pages 86, Ex. P.E.O./2, 93, Ex. P.E.O./3, and 117, Ex. P.E.O./4, are entries showing payments of Rs. 70, Rs. 40 and Rs. 76 to Har Narain, Kapur, on account of contributions and hiring of blocks, On page 129, Ex. P.E.O./5, there is entry of the payment of Rs. 208-6-0 to Chater Sen, Shastri (P.W. 350) on account of writing charges of the "Phansi" number. The dates of these payments were 25th October, 1928, 2nd November, 1928, 6th December, 1928, and 24th December, 1928 respectively. The receipts, **Exs, P.E.O./15 and P.E.O./18** are for the payments of Rs, 76 and Rs, 40, respectively. The two receipts Exh. P.E.O./16, for Rs. 95 and **Ex. P.E.O./17** for Rs. 5 were a1so given by Har Narain, Kapur. One of these four receipts was signed in my presence by Har Narain, Kapur, but I cannot say which one. The other three receipts are also signed by the same Har Narain, Kapur, though they were not signed in my presence. Ex, P.E.O./20 is the account submitted by Har Narain, Kapur on the 6th December, 1928 to my office for the contributions, etc., made by him for the "Phansi" number. The police took possession of the four receipts, Exs. P.E.O./ 15 to P.E.O./18 and the two chits Exs. P.E.O /19 and P.E.O./20. The police took possession of the cash Book, Ex.PE.O./1. I identify my signature on the recovery memorandums, Ex. P.E.O. and P.E.O./26. Certain letters which passed between me and Chatar Sen, Shastri, were also seized by the police and are duly entered in Ex. P.E.26. The four receipts Exs, PE.O./15 to P.E.O./18 are in the same condition as they were when the police took possession of them,

I went to the Borstal Institution yesterday and saw fourteen young men in a barrack, but failed to find the man I knew as Har Narain, Kapur, among them. The Superintendent and the Deputy Superintendent of Police accompanied me.

Cross-examination—Nil. / R.O. & A.C.

19th August, 1930. G.C. HILTON.

P.W. 429. — L. Wazir Chand Sikka, Magistrate, 1st class, Rawalpindi. (Concerning Ferozepur) ***20.8.1930***

Took along Jai Gopal on 14.5.1929 to this house. He indicated some spots on a wall used for target practice. Jai Gopal showed some other spots also in Ferozepur.

P.W. 430. — Vidya Dhar, son of Pt. Rajpati Sharma, 26, Brahmin, Head Clerk, D.A.V. College, Cawnpur. (Concerning Kanpur) ***20.8.1930***

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Shiv Verma - Joined the college first of all on 6.7.25 when he was 13½ years. After passing Intermediate rejoined on 16.7.1927 and left in April 1928.

Jaidev – Joined 9.7.1925 when he was 16½ years and left in April 1927 after doing Intermediate Science .

Mahavir Singh – Joined on 13.7.1925 when he was 19 years, and had come after doing Matric from Etah, and left in April 1928.

P.W. 431. — Dr. H.C. Lahri, Sub Assistant Surgeon, Betiah, Raj. (Concerning Betia) ***20.8.1930***

Treated Kanwal Nath Tiwari's injuries on 8.6.1929 in the Dharmsala, whom he know earlier.

P.W. 432. — Khan Sahib Sheikh Abdul Aziz, Superintendent, Press Branch, Punjab Civil Secretariat, Lahore, on S.A.: — (Concerning Writings)

The following books have been proscribed:-

1. "Kakori ke shahid" By Punjab Gazette Notification No.4015, dated the 31th of January, 1929, (Ex. P.18).
2. "What do we want" Proscribed in 1922 by the U.P., C.P. Punjab Burma, Delhi and Coorg Administrations. I have not, howevere, been able to trace the notifications.
3. "The Revolutionary" (Leaflet) Proscribed in 1925 by Bengal, Government under Notification No. 1259-p, dated the 31th of January, 1925. (Ex. P.26).
4. "Indian Home Rule" by Gandhi Administrations. Proscribed by Bengal, Bombay, Burma and N.W.F.P.
5. "Muhibhan-i-Watan" Proscribed in 1923 by U.P., C.P. and Burma (Ex.P.767).
6. "Risala Chand ka phansi Anak" Proscribed in 1928 by the U.P. Government under Notification No. 3774-8-100, dated the 10th December, 1928 (Ex.P.570)
7. "Bharat Varsh ka Ittehas" Proscribed in 1925 under Punjab Gazette Notification No.3922- J, dated the 11th February, 1925 (Ex. P. 581)

Cross-examination—Nil / R. O. & A. C.

20th August, 1930 G.C. HILTON

P.W. 433. — Shambhu Nath, Hakku son of Pt. Niranjan Nath, Hakku, Kashmiri Brahmin, about 26, Professor of English, D.A.V. College, Dehra Dun. (Concerning Police) ***20.8.1930***

Irrelevant

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P.W. 434. — Devi Dutt alias Devi Parshad, son of Ram Chandra, Marwari, 49, Grain-dealer. Bettiah. (Concerning Betia) ***20.8.1930***

Had known Phonender 'via' PW 374

P.W. 435. — Seth jhanda Lal, son of Seth Ram Dhan Das, Aggarwal, 41 years, Zamindar and Lambardar, Montgomery. (Concerning Police) ***20.8.1930***

Formal

P.W. 436. — Mussammat Parbati, widow of Guranditta Mal, Brahmin, 50 years, Gowalmandi, Lahore. (Concerning Lahore) ***20.8.1930***

Repeated PW 58

P.W. 437. — Vidya Sagar, son of Isher Das, Brahmin, 22 years, Cinema Operator, Jalalpur Jattan, Gujrat. (Concerning Rawalpindi) ***20.8.1930***

Formal

P.W. 438. — Chandar Shekhar Shastari, son of Bhagwan Das, Brahmin, 30, Medical Practitioner, Agra, on S.A. —(Concerning Writings)

I was in Delhi in the years between 1925 and 1928. I took part with Chatar Sen Shastari, (P.W. 350) in editing the "Phansi Number" of the "Chand Magazine". A young man named Har Narain Kapur was introduced to me as a contributor to the above number of the "Chand Magazine" and I introduced him to Mr. Chatar Sen Shastari. This young man Har Narain Kapur contributed some matter to the "Phansi Number".

I have been to the Borstal Institution this morning and out of 11 or 12 other person in a barrack I identified Har Narain Kapur in the presence of the Superintendent. I had previously identified the same young man at a parade held at the Lahore Fort in the presence of a Magistrate.

Cross-examination—Nil / R. O. & A. C.

20th August, 1930 G.C. HILTON

P.W. 439. — Wasao Ram, son of Ram Rattan, Brahim, 32, shop-keeper, Harinana, Hoshiarpur. (Concerning Ferozepur) ***20.8.1930***

Prem Dutt dined in his hotel for 13.14 days.

P.W. 440. — Abdul Hassan Khan, Head Constable No. 874, Railway Police, Jhansi, on S.A.: — (Concerning Yogesh)

In February, 1929, I was posted at the Cawnpore Central Railway Station Thana. From entry No. 53, dated 17th February, 1929, Exh. P.M.E./2, in the Roznamcha, Exh. P.M.E., I see that a convict named J.C.

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Chatterji, who had been brought from Agra Central Jail, left the Thana for Lucknow at 7 a.m. to go by the 8-25 train. The entry in question is in my handwriting and is correct.

Cross-examination—Nil / R. O. & A. C.

20th August, 1930 G.C. HILTON

P.W. 441. — Brahma Dutt, son of Ram Rattan, Misra 23 years, Brahmin, resident of Mehrajpur, Cawnpore district, Ex-student, D.A.V. College, Cawnpore. (Concerning Kanpur) *20.8.1930*

Knew B.K. Sinha, and Shiv Verma too. Refused to answer questions relating to his alleged visit/stay at Agra in September 1928. Denied having made some statements voluntarily. Left D.A.V. College in July 1928 and went home.

P.W. 442. — Prithu Ram son of Pandit Kanshi Ram, Brahmin, 25, Translator, Press Branch, Civil Secretariat, Lahore. (Concerning Writings) *21.8.1930*

Formal

P.W. 443. — Babu Ram, son of Lachhman Dass, Khatri, 28, shop-keeper, Hashimpur, Amritsar district. (Concerning Amritsar) *21.8.1930*

On 28 July 1928, had a totel in Amritsar, named Amrit Vaishno Bhojanshala. Two 'Hindusani' looking boys wearing 'Dhotis' used to dine in the hotel. Phoneder was identified by him as one of them.

P.W. 444. — C. W. 3. – Lala Kala Ram, Assistant Superintendent, Borstal Institution, Lahore. (Concerning Identification) *21.8.1930*

P.W. 445. — Mohammad Akbar, Deputy Superintendent, Central Jail, Lahore. (Concerning Identification)

P.W. 446. — Rupinder Singh, Magistrate, Ist Class, Sheikhpura, on S.A.: —(Concerning Lahore)

On the 9th May Kishori Lal, accused, took me to Jaure Mori in the Lahore City, and pointed out a house in Kucha Kirpa Ram. Kishori Lal stated that he and the mother of Sukh Dev had previously occupied the upper storey of that house and, after the murder of Mr. Saunders, on the same evening, Bhagat Singh, Panditji and "M" moved to that house in Mozang. [Sukhdev's Remark 160.]

Kishoti Lal then took me to Prem Gali and pointed out the middle storey of a house there, and said that he had paid the rent in advance for that middle storey to Mt. Kanso. Kishori Lal further said that he used to visit this place occasionally.

Kishori Lal then took me to a Brass and Iron Foundry on the

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Brandreth Road owned by Ichhru Ram (P. W. 148). Ichhru Ram was present, and Kishori Lal pointed him out as the man by whom he had twenty empty bomb shells made. Ichhru Ram also identified Kishori Lal and said that Kishori Lal had brought two wooden patterns and took them back after the casting.

Kishori Lal then took me to a shop bearing the name 'Ghulam Rasul-Jalal Din' and told me that he had ten bomb shells cast from this shop.

Kishori Lal then took me to Sohel Singh Street in Gowal Mandi and pointed out a house there and said he had been living there along with others.

Kishori Lal then took me to Mozang and pointed out a building called the Arain Building. He pointed out No. 96 in this building. He pointed out three different places in a room where there were marks of pistol bullets on the wall, I saw these marks myself. Kishori Lal further stated that he, Bhagat Singh, "M" Panditji Sukh Dev and Gopal used to practice target shotting there by means of an air pistol. He also said that this was the house which they had left on going to the house in Jaure Mori.

Kishori Lal then pointed out two nanbais' shops in Mozang and stated that he used to take food these shops for the other members of the party.

Kishori Lal then took me to old Anarkali and pointed out three nanbai shops and stated that he used to purchase food from these for the members.

He then pointed out the shop of a photographer known as "Feroz Din and Sons near the Market.

Kishori Lal then took me to the National Hadware Mart and stated that he had bought some wire gauze from there.

Kishori Lal then took me to the International Scientific stores near the Imperial Hotel and stated that he had bought a stove stand from there.

Kishori Lal then took me to Paisa Akhbar Street and pointed out the shop of one Wajid Ali (P. W. 93), tinsmith. He stated that he had an apparatus called "fume holder" made at this shop. Kishori Lal pointed out the owner Wajid Ali (P. W. 93), who also identified Kishori Lal

Kishori Lal then took me to Lohari Gate and pointed out a boy Yagya Pal sitting in a shop which bore the name of Mani Ram and Sons, Chemists and said that this boy Yagya Pal had brought two bottles of methylated spirit for him from the shop of Chawla Brothers and was paid for them.

Kishori Lal then took me to the Guru Gutt Bhawan on the Ravi Road, and stated that he used to live in the ground floor of the tower of the building.

Kishori Lal then pointed out an electric light standard just in front of

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the new Guru Dutt Bhawan Post Office and stated that once he shot and broke the bulb of the standard by means of an air pistol.

I drew uo the memorandum, Ex. P.D.X., relating to the above matters. This is in my own handwriting signed by me and is correct.

Cross-examination – Nill / R. O. & A. C.

22nd August, 1930 G.C. HILTON

P.W.447. —Riwal Nath alias Ram Nath, son of Ram Lok, Brahmin, 19, Clerk I the Electric Supply Company, Lahore. (Concerning Ferozepur) ***22.8.1930***

Formal

P.W. 448. —Allah Ditta, son of Maulvi Muhammed Hussain, Clerk, Deputy Commissioner's Officer Lahore, on S.A.:— (Concerning Identification)

P.W. 449. — Feroze Din, son of Miran Bakhsh, Arain, 26/27 years. Tonga driver, Lahore, on S. A: —(Concerning Lahore)

It is some two years ago that I took a young Babu in my tonga from the Lawrence Gardens. There were two young Babus in a motor-car which was being driven by Barkat (P. W. 87), whom I knew. One of the Babus got out of the car and hired my tonga while the other paid off the motor driver. I drove the young Babu as far as the Punjab National Bank where he had some talk with another Babu outside the porch. The young Babu then directed me to drive him to Mozang, and I took him as far as the Mozang Tonga Stand where he paid me off. [Sukhdev's Remark 161: What a fine witness! A tonga driver with such a sharp memory. Is there any doubt in the 'fair dealing' by police about which Mr Noad (Public Prosecutor) gave so much stress in his concluding speech before the Tribunal.]

Cross-examination – Nill / R. O. & A. C.

23rd August, 1930 G.C. HILTON

P.W. 450. —Chhatar Pal Singh, son of Balwant Singh, Thakur Rajput, 33 zamindar, resident of Mirain, District Fatehpur. (Concerning Police) ***23.8.1930***

Irrelevant

P.W. 451. — S. Abdul Rahman Shah, son of S. Pir Bukhsh Shah, Syed, 38, Electric and Mechanical Engineer, Lahore. (Concerning Police) ***23.8.1930***

To be reproduced along with SukhDev remark at. Sr. no. 163

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P.W. 452.—Sri Chand, Son of Girwar, Brahmin, 28 years, Chaukidar, Bishambar nath, Dharamsala, Agra. (Concerning Agra) ***23.8.1930***

Produced the Register

P.W. 453.—Lieut. Syed Ashiq Hussain, Extra-Assistant Commissioner, Multan. (Concerning Ferozepur) ***25.8.1930***

Prem Dutt led him to various places in Ferozepur on 17.5.1929 where he had stayed.

P.W. 454.—Suraj Bali, son of Bhagwan Din, Ahir 42, Head, Constable of Police, C.I.D., Cawnpore. (Concerning Jhansi) ***25.8.1930***

Formal

P.W. 455.—Amolak Ram son of Rai Salig Ram, Khatri aged 62 years, Manager, Uttam Nivas Building, Lahore. (Concerning Lahore)

P.W. 456.—Khan Sahib Khair Din, Deputy Superintendent, Borstal Institution, Lahore. (Concerning Identification)

P.W. 457.—Bakhshish Rai, son of Rattan Chand, Khatri, 18, Student, Mohinder Cokkege, Patiala on S.A.:- (Concerning Lahore)

In 1928 and part of 129 I was studying at the D.A.V. College, Lahore. I occupied a room in the Guru Dutt Bhawan. Kishori Lal and Prem Dutt, two other students in the D.A.V. College, also occupied rooms in the Guru Dutt Bhawan. I used to go to Prem Dutt's room as a rule. Kishoti Lal was usually to be found in Prem Dutt's room, and I also ***saw another man there by the name of Dayal. Another man a Sikh also, used to frequent the room of Prem Dutt and I came to learn later that his name was Bhagat Singh.*** [Sukhdev's Remark 167: False.]

Prem Dutt and Kishori Lal used to discuss revolutionary matters with me and other students who visited Prem Dutt's room, and also plans for freeing the country. They used to give revolutionary books to the students to read, and Kishori Lal gave me, "My fight for Irish Freedom" and "Life of Savarkar". Dayal used to bring books of this kind from outside and give them to Kishori Lal who used to distribute them. I read a few pages of the two books referred to above and returned them to Kishori Lal.

In November, 1928, Kishori Lal came to borrow a shirt and a pair of pyjamas from me and I lent him a shirt. He did not return the shirt.

Subsequently I learnt that Dayal's name was Sukh Dev.

Yesterday I went to the Borstal Institution and there, in the presence of the Superintendent, I duly identified Sukh Dev, Kishori Lal and Prem Dutt from among a number of other persons in the barrack.

The Sikh whose name I subsequently came to know was Bhagat Singh and had a beard and Kes when I used to see him in the room of Prem Dutt. [Sukhdev's Remark 168: The devil never saw Bhagat Singh.]

Cross-examination – Nill / R. O. & A. C.

26th August, 1930 G.C. HILTON

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CONCLUDING PARTS OF THE JUDGEMENT

WHAT IS PROVED REGARDING THE CONNECTION OF INDIVIDUAL INCIDENTS AS THE OUTCOME OF A SINGLE CONSPIRACY AND BY WHAT EVIDENCE.

The evidence of the two approvers Phonindra Nath Ghosh and Man Mohan Bannerjee regarding the proceeding at the Delhi meeting of September, 1928 provides the foundation of the proof that a single conspiracy came into being at that meeting, and **that the incidents, which followed that meeting in which the various accused persons took part, were the outcome of that single conspiracy.** The corroboration of the testimony of the approvers on this point is of several different kinds.

In the first place there is the fact that the same young men who **were without much money and who had no ostensible business were found associating together in many different places at the same house.** A striking example is that of Bhagat Singh who is proved by the evidence, which has been discussed in his particular case, to have been at Rawalpindi, Lahore, Ferozepur, Amritsar, Delhi, Agra, Cawnpore, Jhansi, Allahabad, Bettiah and Calcutta and to have associated at all these places with one or more of the other accused persons or of the approvers. An enumeration has already been given in this judgment of the various houses which were used by the members of the party at such places as Rawalpindi, Lahore, Amritsar, Delhi, Agra, Cawnpore, Jhansi, Allahabad, Bettiah and Calcutta and to have associated at all these places with one or more of the other accused persons or of the approvers. An enumeration has already been given in this judgment of the various houses which were used by the members of the party at such places as Rawalpindi, Lahore, Amritsar, Delhi, Agra, Saharanpur and Ferozepur together with some account of various persons who visited each of these houses and it is not necessary to recapitulate all these facts. It is sufficient to mention them as one of the points, which lead directly to an inference the existence of a single conspiracy in which all the accused persons were concerned.

Next, there is the fact, **apart from the party names by which the** members of the conspiracy were known to each other, they were in **habit of adopting false names in their dealings with members of the public and especially when taking on rent any house for the use of the** party. Examples of this are numerous and include the case of Jai Gopal and

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Hans Raj Vohra, who when they went to Rawalpindi, took respectively the names of Harbans Lal and Trilok Chand evidence of which facts is proved by document namely, that of money order receipts Ex.P.A.R. (proved by Hari Chand, P.W.136) and Ex.P.A.R./1 (proved by Manas Khan, P.W.312) in the case of Harbans Lal and that of the Arya Samaj Mandir register Ex. P.B.I, in the case of Trilok Chand (proved by Dharam Vir, P.W.258). Other examples are of Sheo Verma who tool the Nuri Gate house in the name of Amir Chand and the Dhera Dun House in the name of Ram Narain; of Sukh Dev who took the Joure Mori house at Lahorein the name of Devi Dass and the Mughal Bazar House at Amritsar in the name of Sunder; of Gya Parshad who took a house at Ferozepur in the name of Dr. B.S.Nigham, the Nai Ki Mandi house at Agra in the name of Ram Lal, the Rani Bazar house at Saharanpur in the name of Ram Nath; and the house in Mohalla Chob Faroshan at Saharanpur also in the name of Ram Nath, of Mahabir Singh who took the Mozang house in the name of Partap Singh; and and of Jai Gopal who took the Mela Ram Building outside the Bhati Gate, Lahore, in the name of Kishan Chand. The evidence regarding these facts has already been detailed in dealing with individual accused persons and need not be recapitulated in detail, the witnesses, to whose statements reference should be made, being Roru Ram (P.W.184),Lekh Raj (P.W.293), Ram Sahai (P.W.197), Faqir Chand (P.W.86), Ghota Mal (P.W.62), Channa Mal(P.W.234), Gopal Das (P.W.331), Narain Parshad (P.W.248), Ram Chand (P.W.332), Manna Lal (P.W.205) and Muhammad Aslub Postman (P.W.217), together with the documents which these various witnesses have proved. This confirmed habit on the part of various accused persons of dealing with the members of the public in false names is clear evidence of a conspiracy **the object of which required concealment by the conspirators of their true identity.**

Next, there is the proof that **various articles recovered from the possession of the some of the accused in one place where connected with other articles recovered from other accused persons in another place.** Examples of this are bombs, posters and the documents, Exs. P.A.K./7 and P.137. Mr. Scott (P.W.423) the handwriting expert has proved convincingly that Ex.P.A.X/7, which is a rough list of books, is in the handwriting of Bhagat Singh and this document was recovered from the house in the Mohalla Chob Faroshan at Sahampur when it was raided on the 13th May, 1929, which house Bhagat Singh himself had never visited. A connection between Bhagat Singh and the occupants of that house is clearly indicated of these facts. Mr. Scott has also satisfactorily proved that the letter Ex. P. 137, which was recovered from the Kashmir Building when it was raided on the 15th April, 1929 in the handwriting of Bhagat Singh and Bhagat Singh's connection with the occupants of Kashmir Building quarters is thus indicated. Similarly the

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posters Exs. P.A.X, P.A.X/1, P.A.X/2 and P.A.X/3, which were found affixed to various public places in Lahore shortly after the Saunders murder (see the evidence of Khan Sahib Muhammad Sadiq, P.W.81, Sub Inspector Amar Nath P.W.82 and Rahmat Khan P.W.85) are clearly, proved by Mr. Scott to be in the handwriting of Bhagat Singh and the colour and printed matter of these posters are obviously of the same character as those of the posters contained in the bundle, Ex.P.442 which was found on the 13th may, 1929, in the house of Mohalla Chob Faroshan at Saharnpur, a fact which is not only apparent to any observer but is also established beyond any doubt by the valuable evidence of Mr. Tyson (P.W. 97) an expert in printing, whose detailed examination of the printed words and letters on these documents leave no doubt that all these posters were printed from the same type. These posters are particularly more important in this connection because they establish a direct connection between the occupants of Saharnpur house and the murderers of Mr. Saunders and not only that, but since they are headed by the legend "Hindustan Socialist Republican Army" they indicate **that both the murderers of Mr. Saunders and the occupants of the Saharnpur house belonged to a single party** which had the character described by this name.

As regards the bombs, there is the important evidence of Doctor Robson (P.W.166) an expert in explosives, which proves beyond reasonable doubt that the **shells of the two bombs thrown in the Assembly Hall, Delhi, were of the same type as the live bomb recovered from the Kashmir Building, Lahore, and that these three shells were manufactured at the same place and came apparently from the same melt.** He also proves the bomb shells found at Saharnpur and those found at Lahore were similar to each other in type of design and were of the same size, that they were gyrated and grooved in the same manner, and that they had plugs of the same design and holes of the same character as the opposite end to the plugs, the only difference being that the Lahore bomb shells were notified with any striker mechanism. Moreover, another type of bomb was also found at both places, Saharnpur and Lahore, which differed from the first mentioned type in that the mounting for the striker mechanism formed a part of the casing. This correspondence between the Lahore and Saharnpur bomb shells and also between live bombs found at Lahore and the two bombs thrown at Delhi is striking circumstance, which strongly corroborates the evidence of Phonindra Nath Ghosh regarding the manner in which these bomb shells were obtained through Sukh Dev, at Lahore, Sukh Dev having taken from Agra to Lahore, as a sample to be copied, one of the two bomb shells brought by J.N. Dass from Calcutta. This expert evidence of Doctor Robson thus confirms the fact that the two bomb factories at Saharnpur and Lahore and the act of throwing bombs in the Assembly Hall at Delhi are connected together as the outcome of one conspiracy.

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In proof of the existence of a single conspiracy there is also evidence regarding a **large number of articles which are established to have been in the possession of different accused persons at different places and at different times.** Amongst such articles mention has already been made in this judgment of the two bags, Exs. P.87 and P. 484 which according to Jai Gopal and Hans Raj Vohra were taken to the Punjab National Bank, Lahore, in order to collect currency notes from the counter, and one of which, Ex. P.484 was recovered from the possession of Prem Dutt at Gujrat in May, 1929 and the other Ex.P.87 from the Kashmir Building quarters when they were raided in April, 1929. These two bags are similar in size, shape and make.

The book Ex. P.481 "Roads to Freedom" was recovered from the possession of Prem Dutt at Gujrat and was seen by Jai Gopal in the possession of Bhagat Singh at Ferozepur. This book has notes written on it, by means of which it is identifiable, and it is noteworthy that Jai Gopal's statement made to a magistrate after pardon had been accepted by him preceded the recovery of this book from Prem Dutt's possession.

An automatic pistol, Ex. P.480, which bears the number 168896, was seen by Jai Gopal in the possession of Bhagat Singh at Ferozepur in November, 1928, and again on the occasion of Punjab National Bank raid and again on the occasion of Saunders murder, while Hans Raj Vohra saw it with Bhagat Singh at the Mozang house on the 3rd December, 1928, and Phonindra Nath Ghosh has deposed that Bhagat Singh had it at Calcutta, Agra and Delhi and also took it on the 16th February, 1929 to Cawnpore when it was proposed to rescue Jogesh Chander Chatterjee. It was recovered from the possession of Bhagat Singh in the Assembly Hall, Delhi, on the 8th April, 1929, as proved by Sergeant Terry (P.W.18). There is also the evidence of Mr. Robert Churchil (P.W.31) in support of the fact that Bhagat Singh used at the time of the Saunders murder.

The **two air pistol,** Exs. P.12 and P.477 can not be identified beyond all possible doubt but are sufficiently uncommon articles to be identifiable with a fair degree of probability. They **were used by the members of the party for target practice.** Both of them were bought at a shop in Rawalpindi (see the evidence of Fazal Abhas P.W.140 and Gurdial Singh P.W.141). Ex. P. 12 was recovered at the quarters in the Kashmir Building on the 15th April, 1929 and Ex. P.477 was produced by Raghuni Chamar (P.W.17) as far away as the village Beria in Bihar on the 1st July, 1929 (see the evidence of Inspector Bagchi, (P.W.366), Phonindra Nath Ghosh saw a similar air pistol in the possession of Bijoy Kumar Sinha at Agra and Jai Gopal saw one in the possession of Sheo Verma at Ferozepur. Other corroboration regarding the use of these air pistols lies in the fact that Jai Gopal when he showed the Mozang house to a magistrate, Rai Sahib Lala Nathu Ram (P.W.24) took out one pellet from the wall and three pellets from an almirah and showed them to that magistrate. He also pointed out

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to another magistrate, Rai Sahib Lala Wazir Chand (P.W.133) a brass switch cover, Ex. P.476 in the Arya Samaj quarters at Rawalpindi in which switch cover there is a dent that may well have been made during to course of target practice with an air pistol.

Ex. P.475 and Ex. P.475–A are a knife and sheath produced by Prem Dutt at Gujrat in May, 1929. These were seen at the Mozang house by Hans Raj Vohra and at the house of Kanhya Lal (P.W.61) as well as at Ferozepur by Jai Gopal. Jai Gopal has also deposed that Kali Charan, absconder, took the knife to the Punjab National Bank in order to cut the telephone wires.

The zinc box, Ex. P.471 which was also produced by Prem Dutt at Gujrat in May, 1929, was seen by Jai Gopal in the possession of Sukh Dev at Ferozepur.

Among the articles recovered from the house in Mohalla Chob Faroshan at Sahampur on the 13th May, 1929, were the book, Ex. P.405, which according to Phonindra Nath Ghosh, Bhagat Singh had bought in Calcutta and had later taken to Agra; the book Ex. P.406 which according to Hans Raj vohra, Bhagat Singh had with him at the Mozang house, Lahore, and the important **book Ex. P.364 "Manufacture and Uses of Explosives"**, which was seen in many places. This book had been stolen by Jai Gopal from the National School Library in 1926 (the evidence of Guru Dutt P.W. 262 affords some corroboration of this). Sheo Verma was seen by Jai Gopal to have this book at Ferozepur, Phonindra Nath Ghosh saw it with Sukh Dev at Amritsar and also at Agra. It was also seen by him in the possession of Panditji. Hans Raj Vohra has also deposed that in November, 1928 at the request of Sukh Dev he deposited this book with Hari Chand, a student of Lahore (this Hari Chand was not examined as a witness).

Ex. P.247 is a spear stick which was recovered from Gya Parshad's possession when he was arrested on the 15th May, 1929 at Saharnpur This was also seen in his possession at Agra by Phonindra Nath Ghosh.

An important article is the attache case, Ex. P.206, which was recovered at Sahampur. It was this case in which the bomb was taken from Agra to Jhansi by Phonindra Nath Ghosh and Bhagat Singh and on that occasion this attache case was seen by Ram Dulare (P.W.288) at Jhansi, who has identified it as having been brought by Bhagat Singh and again taken away by him. It has also been identified by the Taxi Driver Rama Nand (P.W.290) as similar to that which was taken in his taxi at the occasion when the bomb was exploded as an experiment.

The watch, Ex. P.238 was given by Phonindra Nath Ghosh to Bhagat Singh at Calcutta in January, 1929 and was found on the person of Gya Parshad when he was arrested at Saharnpur on the 15th May, 1929.

Another watch Ex. P.124 was recovered from Sukh Dev when he

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was arrested. This watch had been lent by Hamid Hussain (P.W.185) to Dipak Bhatia (P.W.186) who in turn had lent it to Hans Raj Vohra who had then passed it on to Sukh Dev.

Four of the revolvers which have been exhibited at the trial have been seen at different places on different occasions. Ex. P.202 was lost in March, 1920 by Muzzafar Husain (P.W.400). It is a five chambered .450 calibre revolver of English manufacture and of a very old type which has been altered to take .455 service ammunition and it is serviceable and in good order (see the evidence of Mr. Robert Churchill, P.W.31). It was recovered at Sahampur and was seen by Hans Raj Vohra at the Mozang House and by Phonindra Nath Ghosh at Agra when it was taken to Cawnpore for the rescue of Jogesh Chander Chatterjee.

Ex. P.201 is a .38 Webley mark III revolver and is also serviceable and in good order (see the evidence of Mr. Robbert Churchill). It belonged to Shambu Nath (P.W.433) from whom it was stolen at Benares on the 6th February, 1929, a fact which he reported to Nand Kumar Tewari (P.W.399). Just over the three month later it was recovered at Sahampur from the house in Mohalla Chob Faroshan.

Ex. P.200 is a revolver of the Webley Chinese Navy pattern which bears the name of holliz, the firm who sold it. Its bore is 450. It is also serviceable and in good order (see the evidence of Mr. Robert Churchill.) It also was recovered at Sahampur to which place, according to Phonindra Nath Ghosh who saw it at Agra on the 16th February, 1929, it was taken by Gya Parshad.This same revolver had been seen by Hans Raj Vohra in the possession of Bhagat Singh at the house of Agya Ram at Amritsar early in January, 1928, and by Jai Gopal in the possession of Sukh Dev in the same month. Later on Jai Gopal saw it in the possession of Bhagat Singh at Ferozepur end was one of the weapons which according to Jai Gopal, Panditji had in a case at the room of Des Raj at Lahore on the 17th November 1928.

The revolver Ex. P.122 was found upon the person of Sukh Dev when he was arrested as the Kashmir Building on the 15th April, 1929 and is the weapon which he attempted to use on that occasion. It is a Webley pocket revolver of 320 calibre and sold by the Army and Navy Stores, London. It has a considerable amount of wear and, though not in the good order, is serviceable, (see the evidence of Mr. Robert Churchill). Man Mohan Bannerjee, Phonindra Nath Ghosh, Hans Raj Vohra and Jai Gopal all saw this revolver on various occasions. Both Man Mohan Bannerjee and Phonindra Nath Ghosh had it in their possession in 1927 and Phonindra Nath Ghosh subsequently gave it to Bhagat Singh. Later on Phonindra Nath Ghosh saw it in the possession of Sukh Dev at Agra. Hans Raj Vohra saw this weapon in the possession of Panditji at the Mozang house and when arms were distributed for the raid on Punjab National Bank it was

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given to the Hans Raj Vohra himself. Jai Gopal saw it at the room of Des Raj in the possession of Panditji on the 17th November, 1928 and in the possession of Sukh Dev at the house in Mohalla Jaure Mori in January, 1929, and again at Chikarkot. He has also deposed regarding Sukh Dev's possession of it at the time of his arrest.

The book Ex. P.19 **"What do we Want"**, which was recovered at the Kashmir Building in April 1929was taken by Hans Raj Vohra from Amritsar to Rawalpindi in January, 1928. Ex. P.41 is the bottle of mercury, which Jai Gopal stole from the National School in 1926 and he has deposed that Sheo Verma brought it with him to Ferozepur in September, 1928. It was recovered at the Kashmir Building in April , 1929. The corroborative evidence of Guru Dutt (P.W. 262) is that a similar bottle was found missing from the National School in 1926.

Ex . P. 514 is a suit case which together with another suit case Ex. P. 515 was recovered from the possession of Ram Dulare (P.W.288) at Jhansi. According to Phonindra Nath Ghosh, Bijoy Kumar Sinha took the winter clothes of the party from Agra to Jhansi in this suit case in March, 1929, while Ram Dulare (P.W.288) states that it was brought to him at Jhansi by Panditji and Sada Shiv. In the suit case Ex. P. 514 when it was recovered from Ram Dulare there was also found the coat Ex. P. 487, **which was a hole in one of its pockets.** Man Mohan Bannerjee has identified this coat by the hole and has mentioned **that the coat was worn by Bhagat Singh at Calcutta in December, 1928**, and that on the occasion Bhagat Singh showed the hole in the coat pocket to Phonindra Nath Ghosh and also a revolver which he stated was the cause of that hole. This coat, according to Jai Gopal, **was worn by Bhagat Singh at the Saunders murder and Hans Raj Vohra supports this by stating that Bhagat Singh wore it the Mozang house on the day of that murder.**

Ex. P.488 is a lungi, and an important exhibit. According to Jai Gopal it was worn by himself when he went to the police office at the time of the Saunders murder and after the murder when Bhagat Singh was running away, he and Bhagat Singh exchanged their headgear. Bhagat Singh taking this lungi from Jai Gopal. Bhagat Singh failed to tie the lungi on his head and dropped it in the D.A.V. College grounds where it was subsequently found by Talehmand (P.W.79) on the evening of the murder when he and Mr. Morris Deputy superintendent of police (P.W.45) were searching for the murderers. There is some important evidence to show that this lungi belonged originally to a student Lajpat Rai (P.W.107) whose initials it bears and who one day at the end of 1927 left it by the mistake at the room of Kisori Lal, accused, from whom he subsequently failed to get it back. Sharmpat Rai (P.W.108) the father of Lajpat Rai, corroborates the fact that he had given a similar lungi to his son and that his son had told him in 1927 that he had left it with another boy at the college.

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The hat Ex. P.493, which according to Sergeant Terry (P.W.18) **resembles the hat which Bhagat Singh was wearing when arrested in the Assembly Hall at Delhi and which was subsequently** taken from Bhagat Singh at the Delhi Jail by Wadhawa Ram (P.W.353) was seen by Phonindra Nath Ghosh in the Possession of Bhagat Singh when Bhagat Singh left Agra for Delhi and was also seen by both Jai Gopal and Hans Raj Vohra at the Mozang house, Lahore being worn by Bhagat Singh.

Phonindra Nath Ghosh has deposed that he and Kanwal Nath Tiwari purchased at Calcutta many chemicals and other apparatus for the making of bombs and that these were taken later to Agra and then to Saharnpur. Articles of a similar character to some of those, which were recovered at Saharnpur, such as for instance the thermometer, Ex. P. 698 and the glass rods, Ex. P.697 and P.709 which have been identified by Phonindra Nath Ghosh, are proved to have been sold at Calcutta by the evidence of Bejoy Chander Gautam (P.W.389).

Ex. P.54 a bicycle bearing the no. 20913. It was recovered in April, 1929, during the raid on the Kashmir Building and it is proved to have been booked on the 18th July, 1928 by Prem Dutt from Lahore to Jammu by the evidence of Ghulam Muhammad (P.W.183) who is supported by documentary evidence, Ex. P.C.B./1 and Ex. P.C.B./3 where in the number and description of the bicycle are mentioned in July, 1928. Prem Dutt was not a member of the party, but it is significant that a bicycle, which belonged to him in July, 1928, was found in possession of the other members of the party in April, 1929.

Another bicycle, is Ex. P.55, which Jai Gopal received from his brother in Assam on the 11th November, 1927 (see the evidence of Ralia Ram, P.W.182 and Ex. P.C.D/1 and Ex. P.C.D/2). Jai Gopal has deposed that this bicycle was used by Bhagat Singh on the occasion of the Saunders murder and it is proved to have been recovered from the Kashmir Building in April, 1929. On other matter which gives rise to an inference regarding the existence of a single conspiracy and also regarding the nature of that conspiracy **is the recovery of literature of a revolutionary type from the possession of the various members of the party.** For instance, in April 1929, there were found at the Kashmir Building Ex. P.25 **"An account of the Kabul Revolutionary Party"**. Ex. P.26 issue No. I of **"The revolutionary"**, Ex. P. 19 "What do we Want" by M.N. Roy (a manuscript copy of a proscribed book), Ex P. 21 **"Revolutionary Biographies"** and Ex. P. 490 **"Awake Arise"**, the last mentioned book having been recovered from the person of Jai Gopal when he was arrested.

From the possession of Prem Dutt at Gujrat there were recovered Ex. P. 569 **"The seven that were hanged"**, Ex. P.481 **"Road to freedom"**, Ex. P. 554 **"Bandee Jiwan"** (a Hindi book containing an account of the

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modern revolutionary movements in India), Ex. P. 581 **"Bharat Varsh Ka Itthas"** and Ex. P. 577 a copy of the **"Phansi"** (execution) number of the **"Chand"** magazine.

The Mughal Bazar house, Amritsar was searched on the 11th may, 1929 by Sub Inspector Chaudri Sahab-ud Din (P.W.32) and amongst the books found there was Ex. P.170 **"Non Co-operation pushed to its logical consequence".**

In the raid on the house at Saharnpur on the 13th may, 1929, there were found Ex. P.360 **"The Coming of Socialism" and Ex. P.362 "Leninism".**

Having regard to the various pieces of evidence detailed above and especially to the evidence regarding the bombs and the pink posters and that which concerns the numerous houses at different places wherein the accused persons proved to have associated together, coupled with the testimony of the approvers regarding the proceedings of the Delhi meeting in September, 1928, there exists full proof of the existence of **a single conspiracy dating from September 1928, and of the fact that subsequent activities of the various accused persons** including the Saunders murder, the throwing of the bomb in the Assembly Hall in Delhi, the manufacture of Explosives at Calcutta, Agra, Lahore and Saharnpur, and the Moulania dacoity **were the outcome of that conspiracy.**

WHAT OFFENCES ARE PROVED TO HAVE BEEN COMMITTED

The offence which is made punishable by section 121 of the Indian Penal Code is that of waging war or attempting to wage war or betting the waging of such **war against the King Emperor.** That the activities of the revolutionary party formed at Delhi in September, 1928 to which these accused persons belonged, amounted to the waging of war or the abetment of the waging war against **King Emperor is established by the following considerations.** The name which the members gave to their party was **"The Hindustan Socialist Republican Army"** and one of their leaders namely, Panditji was put in charge of a department known as **military department.** These considerations indicate the **military character** of the party at any rate according to the intentions of those who organized it. There is further to be taken into consideration the nature of **some of the books** which were is possession of some members of the party, such as Ex.P.401 **"Modern Breech Loaders"** (found at the Saharnpur house by the Sub Inspector Raghbir Singh, P.W.19), Ex. P. 27 **"Infantry Training"**, Ex. P. 29 **"The Sepoy Officers Manual"**, Ex. P. 159 **"Infantry Training"** and Ex. P. 160 **"Small Arms Training"** (found by Khan Sahib Niaz Ahmed Khan, P.W. 23, at the Kashmir Building). There is further the consideration which arisen out of **nature of the bombs which** were used at Delhi and those which were found in Lahore and

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Sharanpur. These bombs are essentially weapons of offence only and intended to be used for the deliberate destruction of life. They are not weapons which are carried for purposes of self-defense. Next there is the evidence of Phonindra Nath Ghosh and Man Mohan Bannerjee regarding the character of the **resolutions passed at the Delhi meeting of September 1928 in favour of the adoption of terrorism as a means to bring out revolution.** Lastly, there is the character of the acts which the members of the party subsequently perpetuated and especially the **throwing of bombs in the Assembly Hall at Delhi.** The **murder of a police officer** at Lahore, the **project to rescue a prisoner from custody** and the establishment at important centres of factories for the manufacture of bombs. These activities are overt acts, which come within the terms of section 121 of the Indian Penal Code. As regards the two accused persons **Kundan Lal and Prem Dutt,** however there is a justifiable doubt whether their activities amounted even to the abetment of waging war, though it is quite clear that they were members of the conspiracy together with the other accused persons to commit the offence of waging war and are **guilty under section 121-A of the Indian Penal Code.**

The offence of murder is proved to have been **committed by Bhagat Singh and Shivram Rajguru,** for even if it **is not known by the hand of** which of these two.men the bullet was fired which actually caused death, the provisions of section 114 of the Indian Penal Code **make them both equally guilty of the murder.** Those who were privy to the plot to murder Mr. Scott are also guilty of abetment and conspiracy to murder Mr. Saunders, regard being had to the provisions of section 111, Indian Penal Code, under the Explosive Substances Act (VI of 1908) the throwing of bombs in the assembly Hall at Delhi would be an offence against section 4(A) of that act but Bhagat Singh had already been convicted and punished for the deed. The offence of those who made or possessed bombs at Agra, Sahampur and Lahore falls under section 4(b) read with section 6 of the said act. In the case of Kanwal Nath Tiwari, however, the offence of making gun cotton at Calcutta is not an offence for which the Local Government concerned or the Governor General in Council has consented under section 7 of the Act to his trial and similarly in the case of Prem Dutt there is no consent of either Government to his trial upon any charge under the Explosive Substances Act except a large charge under section 4(a) which in this case is hardly applicable. Both Kanwal Nath Tiwari and Prem Dutt, however, are proved to have been parties to a criminal conspiracy to commit the offence of manufacturing explosives substance and they are accordingly guilty under section 120-B (1) of the Indian Penal Code. In this connection it should be noted that section 196-A of the Criminal Procedure Code does not prohibit this court from taking cognizance of an offence under section 120-B of the Indian Penal Code where the object of the conspiracy is to commit an offence under the

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Explosives Substances Act, even though the consent of the Local Government or the Governor General in council, under section 7 of the Explosive Substances Act has not been accorded.

On the above facts and **finding Bhagat Singh is convicted under section 121 and section 302 of the Indian Penal Code and also under section 4 (b) of the Explosive Substance Act** read with **section 6 of that Act and with section 120-B of the Indian Penal Code** having regard to the deliberate and cowardly murder in which he took part and to his position as a leading member of the conspiracy, **he is sentenced to be hanged by the neck till he is dead.**

Shivram Rajguru *alias* M is convicted **under section 121 and section 302 of Indian Penal Code.** In view of his **participation in the murder of Mr. Saunders he is sentenced to be hanged by the neck till he in dead.**

Sukh Dev is convicted under section 121 and under section 302 read with sections 109 land 120-B of the Indian Penal Code and also under section 4(b) of the Explosive Substances Act read with section 6 of that Act and with section 120-B of the Indian Penal Code. This accused was the leader of Punjab branch of the party and it was within the Punjab that many of the violent activities of the party took place. He was privy to the plan to murder. Mr. Scott which resulted in the murder of Mr. Saunders as well as taking a leading part in the manufacture of bombs and in the recruiting of new members of the party. His guilt is no less than that of Bhagat Singh who was one of the instruments by means of whom Sukh Dev brought his plans to fruition. **Sukh Dev is also sentenced to be hanged by the neck till he is dead.**

Kishori Lal is convicted under section 121 and section 302 read with section 109 and 120-B of the Indian Penal Code and under section 4 (b) of the Explosive Substances Act read with section 6 of that act and with section 120-B of the Indian Panel Code. He was a subordinate member of the conspiracy but was privy to the plan to murder Mr. Scott and was active in the manufacture of bombs. **He is sentenced to transportation for life.**

Mahabir Singh is convicted under section 121 and section 302 read with section 109 and 120-B of the Indian Penal Code. He was a subordinate member of the conspiracy but was privy to the plan to murder Mr. Scott. **He is sentenced to transportation for life.**

Bijoy Kumar Sinha is convicted under section 121 and under section 302 read with sections 109 and 120-B of the Indian Penal Code and also under section 4 (b) of the Explosive Substances Act read with section 6 of that Act and with section 120-B of the Indian Penal code. He was a leader of the conspiracy and was privy to the plan to murder Mr. Scott. **He is sentenced to transportation for life.**

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Sheo Verma is convicted under section 121 of the Indian Penal Code and under section 4 (b) of Explosive Substances Act read with section 6 of that act and with section 120-B of the Indian Penal Code. He was a leader of the United Provinces group and was prominent in the manufacture of bombs. **He is sentence to transportation for life.**

Gya Parshad *alias* Nigham is convicted under section 4 (b) of the Explosive Substance Act read with section 6 of that Act and with section of 120-B of the Indian Penal Code. He was an active and important subordinate member of the party and took part in the manufacture of bombs. **He is sentenced to transportation for life.**

Jai Dev is convicted under section 121 of the Indian Penal Code and under section 4 (b) of the Explosive Substances Act read with section 6 of the that act and with section 120-B of the Indian Penal Code. He was an active subordinate member of the party and took part in the manufacture of bombs. **He is sentenced to transportation for life.**

Kanwal Nath Tiwari is convicted under section 121 and also under section 120-B of the Indian Penal Code. In view of his connection with the manufacture of Gun Cotton at Calcutta for which purpose he lent his own quarters and in view of his participation in the Moulania dacoity, **he is sentenced to transportation for life.**

Kundan Lal is convicted under section 121-A of the Indian Penal Code. He was active in the conspiracy until the end of November 1928 but not after that date. **He is sentenced to rigorous imprisonment for seven years without solitary confinement.**

Prem dutt is convicted under section 121-A and also under section 120-B of the Indian Penal Code. He was not an important member of the party which he did not join until January, 1929. **He is sentenced to rigourous imprisonment for five years without solitary confinement.**

The accused Des Raj, Ajoy Kumar Ghosh and Jatindra Nath Sanyal are acquitted.

Copies of this judgement are to be given free of cost to Bhagat Singh, to Shivram Rajguru and to Sukh Dev.

The five approvers, Jai Gopal, Phonindra Nath Ghosh, Man Mohan Bannerjee, Hans Raj Vohra and Lalit Kumar Mukherjee are discharged from custody in so far as any charge against them arising out of the present proceedings is concerned. Separate orders are today being passed concerning the approvers Ram Saran Dass and Brahm Dutt.

Announced.

G. C. Hilton
Abdul Qadir
J. K. Tapp

7th October, 1930.

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